Message

From: Munoz, Charles [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AE303B61FC23433E89C844D7842C9626-MUNOZ, CHAR]
Sent: 3/9/2017 5:28:25 PM
To: Pursley, Alexa R. EOP/WHO Personal Matters / Ex. 6 ; Locetta, Jennifer R. EOP/WHO Personal Matters / Ex. 6
Subject: PPO Vetting Binders
Attachments: Bowman_Liz_Binder.pdf; Hupp_Millan_Binder.pdf; Greenwalt_Sarah_Binder.pdf; Davis_Patrick_Binder.pdf; Wagner_Kenneth_Binder.pdf; Ericksen_Doug_Binder.pdf; Wilcox_Jahan_Binder.pdf; Hayley Ford Binder.pdf; Thomas_Mary_Binder.pdf; Bolen_Brittany_Binder.pdf; Graham Binder.pdf

Attached are the requested binders.

- Wagner, Kenneth – Director of Regional and State Operations – Currently coming in as an AD, needs conversion to a PPO position
- Hupp, Millan – Deputy Director of Advance and Scheduling – Currently coming in as an AD, needs conversion to a PPO position
- Greenwalt, Sarah – Senior Advisor to the Administrator for the Office of Congressional and Intergovernmental Relations – Currently coming in as an AD, needs conversion to a PPO position
- Graham, Amy – Deputy Associate Administrator for Public Engagement – Currently coming in as an AD, needs conversion to a PPO position
- Davis, Patrick – Region 8 Administrator
- Ericksen, Doug – Region 10 Administrator
- Wilcox, Jahan – Strategic Communications and Social Media Advisor – Currently coming in as an AD, needs conversion to a PPO position
- Bolen, Brittany – Senior Deputy Associate Administrator for Policy – Currently coming in as an AD, needs conversion to a PPO position
- Ford, Hayley – Deputy White House Liaison – Is NOT coming in as an AD, needs to be processed and cleared by PPO
- Bowman, Liz – Deputy Associate Administrator for Public Affairs – Is NOT coming in as an AD, needs to be vetted and cleared by PPO
- Thomas, Mary – Deputy Assistant Administrator for Water – Is NOT coming in as an AD, needs to be vetted and cleared by PPO

Charles Munoz
White House Liaison
Environmental Protection Agency
202-380-7967

Message

From: Rodrick, Christian [rodrick.christian@epa.gov]
Sent: 5/10/2018 3:05:01 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: Transcript
Attachments: Preliminary Transcript w_Updates v1.docx

Christian Rodrick
Special Assistant
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-4828
C: Personal Matters / Ex. 6
E: Rodrick.Christian@epa.gov

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 3/15/2018 7:54:01 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: FINAL DRAFT EPW QFRs
Attachments: 2018.03.15 - UPDATED DRAFT - All Pruitt QFRs 01.30.2018 - OCIR-OGC Edits.docx; 2018.03.15 - FINAL UPDATED DRAFT - All Pruitt QFRs 01.30.2018.docx

Attached is the redline with all of the edits and a cleaned up version. If you would like any adjustments to the final (non-redline) version let me know; otherwise, I think we should be good to go.

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Personal Phone / Ex. 6

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 4/2/2018 6:02:06 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: FINAL QFRs EPW Hearing with Administrator Pruitt 01.30.2018
Attachments: Attachment 1 - QFR40 SES Appointments.xlsx; Attachment 2 - QFR46 USWAG letter.pdf; Attachment 3 - QFR46 USWAG petition.pdf; Attachment 4 - QFR46 AES petition.pdf; Attachment 5 - QFR49 impoundment summary.pdf; Attachment 6 - QFR98 Transmittal Email from OGD Director - 11.9.2017.pdf; Attachment 7 - QFR98 Revised Guidance for Managing OGD Grant Reporting 11-13-17.pdf; FINAL - Administrator Pruitt QFRs EPW 01.30.2018.pdf

Final cleared document attached with the accompanying responses for the Administrator's appearance before EPW on January 30th. Once you have sent to the committee, I'll make sure we distribute to the team leads internally.

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Personal Matters / Ex. 6

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

   On October 27, 2017, EPA issued a memorandum providing information to assist states' efforts to develop, supplement, or resubmit their "good neighbor" state implementation plans (SIP) for the 2008 ozone National Ambient Air Quality Standards (NAAQS). We noted in this memorandum that states may be able to rely on the modeling information conveyed with the memorandum as part of a demonstration of compliance with the good neighbor requirements. We believe this information will be helpful to any state working to resolve its 2008 good neighbor status, including Wyoming.

   In addition, within the next few weeks, the EPA expects to provide additional air quality modeling data for ozone, including projected ozone concentrations at potential nonattainment and maintenance receptor sites for the 2015 ozone NAAQS and projected upwind state contributions to those potential receptors. All states may use this forthcoming information as they develop or review state implementation plans that address the Clean Air Act good neighbor provision for the 2015 ozone NAAQS. We also intend to work closely with states to explore additional flexibilities

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as to how they use this information in developing their good neighbor SIP submittals for the 2015 NAAQS.

EPA will continue to work with Wyoming to fully address their good neighbor transport requirements for both the 2008 and the 2015 ozone NAAQS.

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

   In an April 2016 letter to the Wyoming Department of Environmental Quality (WDEQ) regarding exceptional event demonstrations for calendar years 2011-2014, EPA Region 8 communicated that its review of the demonstrations submitted indicated that, although the flagged PM and ozone data in the demonstrations may have been influenced by exceptional events, the data were not anticipated to be involved in any pending regulatory decision by the EPA. The status of this data has not changed. Therefore, consistent with the approach articulated in the proposed and finalized in the 2016 revisions to the Exceptional Events Rule, the EPA has not made a concurrence/nonconcurrence decision on the demonstrations submitted. However, as noted in the April 2016 letter, and as is the case with the deferred Wyoming demonstrations, if at some point in the future the flagged data were to potentially influence an attainment demonstration or be involved in other regulatory decisions, the EPA would then undertake a full review of the submitted demonstrations to allow a concurrence/nonconcurrence decision at that time.

   If an air agency submits a demonstration that the EPA has determined to not have regulatory significance, then the EPA may respond to the air agency with a notification of "deferral." Deferred demonstrations are considered to be "closed out" (i.e., no longer pending). The EPA considers the 46 demonstrations referenced in the April 2016 letter to be "closed out," unless the flagged data would influence a regulatory decision.

   EPA Region 8 met with Wyoming's Air Director and the Manager for the Air Quality Resource Management Program on February 28, 2018, to discuss options for addressing future potential exceptional events Wyoming flags that may not have a regulatory use at the time the event is flagged. Follow-up discussions will occur over the next several months.

3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

   Close coordination between EPA and the Department of the Army is a priority as we work to develop the joint rulemaking. EPA and the Army Corps of Engineers are working closely to implement the Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The agencies' leadership and staff routinely meet and work products are developed jointly.

4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

   At this time, EPA has not suggested specific legislative actions to reform the NSR program. However, EPA can provide technical assistance for any proposed legislative actions that the Committee develops. More broadly, the agency will continue to issue interpretive rules, guidance and policy memoranda, and, where appropriate, will conduct notice-and-comment rulemakings to reform NSR. These actions will provide increased regulatory certainty to covered entities encouraging investment in more efficient, environmentally beneficial technologies.

5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

   Yes, the agency does have a timeline for completing its reconsideration of the CCR rule. On March 1, 2018, EPA signed a proposal that includes regulatory language for those provisions where, as a result of its reconsideration, EPA has preliminarily determined that regulatory changes may be appropriate and is seeking public comment on those proposed changes. EPA anticipates the proposal will be published in the Federal Register shortly. EPA further anticipates that it will complete its review of the remaining provisions under reconsideration, and, if it determines that regulatory changes are appropriate, will sign an additional proposal by September 30, 2018.

6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

   In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

   Yes, I am committed that EPA will use the best available data, and collaborate with NHTSA, as EPA completes the Midterm Evaluation of the light-duty vehicle greenhouse gas standards for model years 2022-2025. In August 2017, EPA opened a new 60-day comment period to allow stakeholders to submit any comments, data, or information they believe relevant to my reconsideration of the Final Determination. EPA also held a public hearing on September 6, 2017. EPA received more than 290,000 comments, and is in the process of reviewing the new

data and information, along with continued review of the body of research already in the record. My new decision on the Midterm Evaluation will be based on the best available data, and EPA will continue to collaborate with NHTSA.

7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Biodiesel and renewable diesel are both international markets. As such, any action, such as the tariffs mentioned, will have multiple ripple effects which may offset some or all of the direct impacts targeted. EPA has considered the uncertainty surrounding imported biofuel in setting the RFS standards. We also considered the potential for increased domestic production of biodiesel and renewable diesel, as well as increased imports from countries unaffected by the tariffs. Further, the BBD standard itself was not set at the limit of projected supply. In setting the volume target for BBD for 2019, EPA noted that the number of RINs anticipated to be available for compliance exceeded the volume required to meet the BBD standard. The advanced biofuel and total renewable fuel standards provide an incentive for additional biodiesel volume beyond what is required by the BBD standard. Specifically, while the 2019 BBD volume target was maintained at 2.1 billion gallons, we estimated that approximately 2.6 billion gallons would be used to meet the advanced biofuel standard. As it did in evaluating the 2018 advanced biofuel standard, EPA will assess the supply of imported biodiesel in setting the 2019 advanced biofuel and 2019 BBD percentage standards. EPA will conduct a similar analysis when determining the 2020 BBD volume target.

U.S. energy security includes a measure of the diversity of fuel sources as well as the geopolitical condition of the sources. Increasing diversity (such as through use of biofuels from a variety of countries) could reduce risks associated with a potential disruption of supply. Thus, while biofuel imports may not contribute to energy independence, they may still contribute to the energy security of the United States. The U.S. is also becoming more energy secure and independent due to more domestic oil production, including a 50 percent increase in U.S. crude oil production over the last decade.

8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

   EPA provided GE with a response to its submission of the completion report within the agreed-upon timeframe, stating that the Agency is now carefully reviewing input provided by our state and federal partners at the end of 2017 regarding the Certification of Completion of the Remedial Action requested by GE. In addition, EPA recently began an analysis of sediment data collected by the New York State Department of Environmental Conservation (DEC) in late 2017, and we continue to consider the extensive input received from a wide range of stakeholders about the second Five-Year Review report, which was released for public comment in June 2017. EPA will continue to work with our colleagues at DEC in analyzing and reaching scientific consensus on the new sediment data. Therefore, EPA will not have a decision regarding the issuance of the Certificate of Completion of Remedial Action until the data from these samples have been fully analyzed.

   It is important to note that even if EPA certifies the Remedial Action to be completed, the cleanup will not be finished. In the Record of Decision, EPA projected that construction of the remedy (including dredging, backfilling, and habitat reconstruction) would be performed over six years, to be followed by decades of "monitored natural attenuation" or "MNA," during which PCBs remaining in the river after dredging would gradually decrease until the remedial goals are achieved. MNA is also part of the cleanup, and during the entire period of MNA, GE is required to perform "Operation, Maintenance and Monitoring" of the remedy, which includes an extensive program that includes monitoring of sediments, water quality and fish, as well as monitoring of the caps that were installed on portions of the river bottom, and repairing those caps should any

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[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

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damage occur. Once all the work required by the consent decree is complete, the consent decree authorizes EPA to issue a further certification, known as a Certification of Completion of the Work. We do not anticipate issuing this certification before the remedial goals are achieved.

9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

       EPA is actively collaborating with other federal, state, and local communities to provide tools and technical assistance to communities that are addressing PFAS contamination. As part of this effort, EPA has begun working with states and other federal agencies to develop toxicity values for additional PFAS chemicals, develop new methods for sampling PFAS chemicals in the environment, and identify treatment techniques to remove PFAS in drinking water and other environmental media. EPA is also working with stakeholders to identify best practices and develop risk communication tools to assist states, tribes and local communities address concerns with PFAS in the environment. In addition, EPA continues to conduct research to develop additional technical tools that will be helpful as the agency works with its partners to address this important issue.

    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

       Yes, EPA will continue engaging with a broad set of stakeholders, including states and local communities. To date, EPA's communication efforts have included, but not limited to EPA's website (www.epa.gov/pfas), EPA hosted webinars, organizational meetings (for example the Spring 2018 Environmental Council of the States (ECOS) Meeting in March 2018), and community meetings in PFAS-impacted areas. EPA will provide additional engagement opportunities throughout the coming year.

    c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

       EPA has brought together expertise from across the agency including top scientists from EPA's air, chemicals, land, research, and water offices. In addition to a cross-program effort, the agency has also tapped its regional offices to enhance cooperation with partners at the state and local levels and to provide on-the-ground knowledge about specific issues to address PFAS nationwide. By integrating cross-media expertise and experiences, EPA's

PFAS team is well positioned to support and work side-by-side with our state, local and tribal partners to address state and local PFAS efforts.

Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

       The National Academy of Science (NAS) identified numerous significant recommendations for improving the science that underlies the formaldehyde IRIS assessment. As noted by EPA staff during the February 2018 NAS workshop to review advances made to the IRIS process, the Agency is working to fully implement the NAS recommendation in all IRIS assessments released moving forward.

    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

       EPA is committed to ensuring that the IRIS program provides high-quality assessments that adhere to the highest standards of scientific review. Prior to releasing any assessment, EPA NCEA conducts a rigorous and robust review process to ensure that Agency decisions to protect human health are based on high quality science.

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

       The Agency is moving away from a "one-size-fits-all" approach to hazard assessment towards assessment products that meet specific decision contexts. As such, any assessment will be evaluated to ensure that it can adequately meet Agency needs and support regulatory priorities in a timely manner.

    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

       The Agency does not release any products that have not undergone proper quality review.

11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

    We are working to gather this information with regard to ORD's external meetings and will provide this information to you as soon as possible.

12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

       An overview of how the IRIS Program is operationalizing systematic review is described in a memo from the IRIS director, provided here (http://ofmpub.epa.gov/eims/eimscomm.getfile?p_download_id=534484). Additional information on how the IRIS Program is implementing and applying systematic review was presented at the NAS meeting in early February. Copies of presentations at that meeting are included here: http://nas-sites.org/dels/events/review-of-advances-made-to-the-iris-process-a-workshop/.

    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

       OCSPP does not have a document on systematic review. Per the referenced page 19 of the "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential" document, "consistent with NRC's recommendations, EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) is *currently developing* systematic review policies and procedures."

       NRC's 2009 report on *The Silver Book: Science and Decisions* recommended the use of a framework that "maximizes the utility of risk assessment," with a focus on assuring that risk assessments are well-tailored to the problems and decisions at hand so that they can inform the decision-making process most meaningfully. In response to this report, in 2014 EPA published the Human Health Risk Assessment Framework. OCSPP ensures that our approaches are consistent with the EPA framework, which discusses the need for fit for purpose evaluations. Problem formulation entails an initial dialogue between

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

scientists and risk managers and provides the regulatory context for the scientific analysis and helps define the scope of an analysis. The problem formulation stage involves consideration of the available information along with key gaps in data or scientific information. As such, the complexity and scope of systematic reviews will vary depending on the different risk management and statutory requirements and responsibilities of OCSPP. In other words, an OCSPP systematic review is conducted as "fit-for-purpose" based on the pre-determined scope and purpose determined from problem formulation.

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

    The NAS "Review of Advances Made to the IRIS Process" will assess changes that have been implemented or that are planned to be implemented by the EPA in response to recommendations made in previous NAS reports (2011 and 2014). The primary focus of these reports was on the adaptation and implementation of systematic review principles to the IRIS assessment development process. The systematic review process, as applied in the IRIS Program, was described to the NAS committee during a 1.5 day workshop held February 1-2, 2018, included presentations and interactive sessions, and provided multiple opportunities for stakeholder input. The scope of the NAS review, as well as all NAS meeting summaries on this project, can be found on the NAS website http://www8.nationalacademies.org/cp/projectview.aspx?key=49904.

14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Under TSCA Section 6(a), regulation of certain uses of methylene chloride, NMP, and TCE were proposed in 2016 and 2017. The agency is currently considering the comments received, including comments suggesting that EPA quickly finalize these actions and comments suggesting that these actions be evaluated as part of the group of the first ten chemicals undergoing initial risk evaluations under the amendments to TSCA.

15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

       EPA is continually making changes to its website and other digital information resources to reflect and support the agency's current priorities and work. When we move information from our main portal, www.epa.gov, the majority of the time we make sure it is still available to the public via our archive website, https://archive.epa.gov/. In addition, because of the public concern about access to information on our website last year, as well as the receipt of a number of FOIA requests for access to information, we created a snapshot website that contains the content that was on our main portal on January 12, 2017. The snapshot website can be searched here: https://19january2017snapshot.epa.gov/.

    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

       According to our available data sources, 2,224 pages were archived from www.epa.gov in 2017, representing about 3.5% of our www.epa.gov content. This response is limited to the primary public www.epa.gov webserver, but not other program-specific websites. These pages were unpublished due to:

       - **regular website maintenance,**
       - **content was superseded and replaced with newer information on the topic,**
       - **content was duplicative or no longer relevant,**
       - **comment period closed on Public Notices, and**
       - **various other quality assurance reasons.**

       This content is still in our Web Content Management.

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

       Samantha Dravis – Senior Counsel and Associate Administrator for the Office of Policy
       Ryan Jackson – Chief of Staff, Office of the Administrator
       Byron Brown – Deputy Chief of Staff for Policy, Office of the Administrator
       Brittany Bolen – Deputy Associate Administrator for the Office of Policy

       All members of EPA's Regulatory Reform Task Force have been members since Administrator Pruitt established the Task Force in a memorandum dated March 24, 2017.

    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

       The Task Force has been informed by the thousands of public comments received in response to EPA's request for input on regulations that may be appropriate for repeal, replacement, or modification, per EO 13777.

    c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

In implementing EO 13777, EPA hosted a series of public meetings and teleconferences to inform the Regulatory Reform Task Force. Information on these public meetings and teleconferences, including agendas, is accessible through EPA's Regulatory Reform webpage: https://www.epa.gov/laws-regulations/regulatory-reform.

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

A Comprehensive search could not be performed by the submission of this document.

17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

    Monthly EPA posts on its web site a list of all FOIA request that were pending at the end of the previous month and the status of all FOIA request that were submitted during the previous month. This information can be found, respectively, at https://www.epa.gov/foia/all-foia-requests-pending-month and at https://www.epa.gov/foia/all-foia-requests-received-month. Regarding your request for information concerning the Agency's FOIA litigation, EPA currently has approximately 55 pending FOIA cases, about 45 of which allege that EPA did not complete its response to the FOIA request within the statutory timeframe.

    b. Does EPA follow the "rule of three,[8]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

    It is EPA's Policy to make all records released in response to a FOIA request available to the public, even if there is only one request for that information. EPA has released over one million records, through FOIAonline, since October 1, 2012. The one exception to this rule is first party FOIA requests.

[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

A first party FOIA request is one where a requester is asking for records about themselves.

c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

All EPA staff are required to take annual FOIA training. EPA's FY 2018 FOIA training is focused on the use of FOIA exemptions. In September 2017, the National FOIA Program, working with the Office of General Counsel, offered a multi-day training session on FOIA. The training covered the lifecycle of a FOIA. Over 170 FOIA professionals from throughout the Agency attended the training. Among other things, the training addressed use of Exemptions 4, 5 and 6.

18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

A Comprehensive search could not be performed by the submission of this document.

[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

Particulate matter (PM), also known as particle pollution, is a complex mixture of extremely small particles and liquid droplets in the air. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. The Clean Air Act requires EPA to review the NAAQS and their scientific basis at least every five years to determine whether standards are requisite to protect public health, with an adequate margin of safety. The fine PM NAAQS was last reviewed and revised in 2012. As part of that process, EPA developed an Integrated Science Assessment to summarize the science related to the health and ecological effects. This most recent assessment, released in December 2009, can be found on EPA's website at: https://www.epa.gov/isa/integrated-science-assessment-isa-particulate-matter.

[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

The "Regulatory Impact Analysis for the Review of the Clean Power Plan: Proposal" presents analysis of the forgone social benefits of changes in non-CO2 emissions from the electricity sector in Section 3.4 (pages 42-55) and Section 7.5 (pages 122-124). For the 2016 oil and gas rule, EPA did not monetize changes in PM2.5 emissions or concentrations.

With respect to gliders, the agency is currently reviewing the comments submitted on the proposed rule and is evaluating next steps. Similarly, although the recent NPRM cited the Tennessee Tech University study, we referenced the study in our proposal but did not rely on it for our decision making.

20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

As previously stated, EPA's recent focus for the 2015 Ozone NAAQS has been on resolving implementation issues.

21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source increasing total emissions of the regulated pollutant? Why or why not?

Traditionally NSPS standards have been sent as rate-based standards rather than total mass based standards and have not constrained overall emissions.

22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

While emission reductions are one element relevant to evaluating BSER, EPA anticipates that it will be receiving comments on this issue in connection with its current regulatory actions on the Clean Power Plan.

23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

To date, EPA has relied on the endangerment finding that it had previously made under CAA section 202(a)(1) with respect to GHG emissions from new motor vehicles for its decision to establish standards of performance for GHG emissions from Electric Generating Units (EGUs). In particular, EPA has asserted the 2009 finding as providing a ''rational basis'' for regulating GHG emissions from EGUs.

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Section 111(b)(1)(A) of the Clean Air Act states the Administrator shall include a category of sources if in the Administrator's judgment it causes, or contributes significantly to, air pollution which may be reasonably be anticipated to endanger public health and welfare.

25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According to the NCA, "Numerous fire models project more wildfires as climate change continues,"

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[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

While there has been extensive research and a host of published reports regarding climate change, our understanding of the role of human activity is still improving. As an environmental regulator it is important for the agency to strive for a better understanding of the role of human activity with respect to climate change given the potentially significant influence on our country's domestic economic viability when protecting the environment.

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

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[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[16] NCA at 471.

This request is also the subject of ongoing FOIA requests. The agency is in the process of responding to those requests and will provide the information to the committee in a timely manner. In the interim, the Administrator's and Assistant Administrator's calendars are publically available at https://www.epa.gov/senior-leaders-calendars.

27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

    The Advance Notice of Proposed Rulemaking on State Guidelines for Greenhouse Gas Emissions from Existing Sources (ANPRM) does not present specific policy options. Rather, the ANPRM solicits information from the public about a potential future rulemaking. As you are aware, the comment period closed on February 26, 2018. The agency has begun review of all comments that will inform any next steps to ensure that in any potential new proposed rule, benefits and costs will be appropriately analyzed.

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

    A Comprehensive search could not be performed by the submission of this document.

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

The EPA has not performed a source-by-source comparison of MACT and RACT standards where both apply. The RACT standards are established by states, not by EPA, and there is enough flexibility in the Clean Air Act in how a state may establish a RACT standard that there is no expectation of uniformity between the level of control or specific sources covered in different states. Specific to the ozone NAAQS program, EPA has established "presumptive RACT" for the key VOC emissions points present in about 44 source categories through the issuance of Control Techniques Guidelines (CTG). CTGs provide guidance for states and do not dictate a source-specific outcome. States that contain certain ozone nonattainment areas and states in the Ozone Transport Region are reqired to submit a revision to new CTGs.

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

       The Agency does not maintain this data.

    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

       EPA has not published any estimates of regulatory impacts on individual coal mining or coal-fired power plants. EPA has not yet prepared any estimates of the impacts on coal mining or coal-fired plants related to the proposed repeal of the Clean Power Plan. The coal impact analysis in the proposed repeal RIA was limited to presenting the coal impact analysis in the final RIA for the CPP promulgation in 2015. EPA's analyses of particular regulations affecting coal mines and coal-fired power plants do not estimate impacts on individual mines or specific power plants. EPA committed to evaluate the employment impacts of actions under the Clean Air Act within EPA's Final Report of Agency Actions that Potentially Safe, Efficient Development of Domestic Energy Resources under Executive Order 13783 (https://www.epa.gov/sites/production/files/2017-10/documents/eo-13783-final-report-10-25-2017.pdf).

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

Under the MOU, CFTC looked into a claim by the Renewable Fuels Association (RFA). RFA asserted that some participants in the RIN market may have deliberately driven up RIN prices during a certain period to disrupt the RIN market, in order to support political gains to repeal/reform the RFS program. The RFA letter, dated August 31, 2016 was sent to both CFTC and EPA. To assist CFTC, the EPA provided RIN data from January 2010 to August 2016. CFTC reviewed this data and as noted by the CFTC Chairman Chris Giancarlo in his testimony to U.S. Senate Agricultural Committee on February 15, 2018 that CFTC did not find misbehavior in the market. Given EPA's market oversight limitations, we intend to pursue continued collaboration with CFTC under the MOU.

b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

EPA is always looking for ways to improve implementation and transparency of the program, while balancing resource needs and our duty to protect confidential business information as required by our regulations. EPA will continue to work with CFTC and seek to utilize their market oversight expertise and authority.

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

On February 8, 2018, EPA and FTC held a meeting to initiate dialogue on this matter. On the call, the FTC discussed their authority and expertise, which are largely focused on investigating fraudulent reporting of information to governmental agencies and other acts with intent to deceive or gain advantage in market. FTC further differentiated their role compared to CFTC, who has authority to investigate participant behavior and market trends to identify potential market manipulation. EPA and FTC did not specifically discuss establishing an MOU, but did exchange information to facilitate future discussions.

d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

Although the EPA has not seen evidence of manipulation in the RIN market, EPA is not a commodity market regulatory agency, and thus we do not have expertise in this field. EPA has not EPA's authority and function is to implement the RFS program and address fraud in the program. For example, since 2013, over two dozen individual defendants have been sentenced for RFS related crimes and have received a combined total of over 168 years of incarceration and ordered to pay over $400 million in fines and restitution. Restitution in these cases and the tens of millions of dollars forfeited since have been restored to victims of RFS fraud. Claims of market manipulation prompted EPA to execute a memorandum of understanding (MOU) with the U.S. Commodity Futures Trading Commission (CFTC), who has the authority and expertise to investigate such claims.

e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

Yes, EPA is committed to ensure an even playing field among all the parties participating in the RFS program. In fact, to protect the program's integrity and maintain a level playing field for regulated companies, EPA has pursued civil enforcement actions against renewable fuel producers, importers, and exporters that generated invalid RINs. In addition, since 2013, over two dozen individual defendants have been sentenced for RFS related crimes and ordered to pay over $400 million in fines and restitution. Restitution in these cases and the tens of millions of dollars forfeited have been since restored to victims of RFS fraud.

32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

In 2016, EPA proposed the Renewable Enhancement and Growth Support (REGS) Rule and identified a number of significant policy questions raised by different approaches to capturing RINs from renewable electricity used to charge electric vehicles. Since the REGS proposed rule comment period closed, OAR staff have been going through the many comments received, evaluating various conflicting implementation approaches raised in the comments, and exploring options for the complex issues associated with implementing the electric pathway. We continue to work towards a final decision on these important issues, which are a requisite before any final decisions on pending applications can be made.

33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

    The scope of Clean Water Act jurisdiction under future regulation is currently under development. EPA and the Army have conducted and will continue to conduct a transparent and robust public engagement process, meeting and listening to stakeholders prior to issuing a proposal. EPA and the Department of the Army are currently considering suggestions from states, local government, tribes, and other stakeholders about which waters should be jurisdictional under the Clean Water Act and which should not.

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

    The EPA did not conduct an analysis of the administration of the 2015 Clean Water Rule during the approximately six weeks that it was in effect in 37 states. The Army Corps of Engineers has the day-to-day responsibility for conducting jurisdictional determinations with respect to the permitting program under section 404 of the Clean Water Act.

35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=yTVd54WyhDQ.

Much of the concern raised about the 2015 Clean Water Rule focused on lack of clarity, uncertainty, and confusion in the implementation of this rule. While the Rule did exclude "puddles" from regulation, the Rule did not define the term. Many stakeholders expressed concern that the agencies would regulate features such as wet spots and tire ruts in farm fields because such features were not expressly as "puddles." clarity and predictability are among the critical goals of the current rulemaking effort.

36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

The 2015 Clean Water Rule would regulate ephemeral drainage ditches that are a relocated tributary or excavated in a tributary.

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

EPA promulgated the 2015 Steam Electric ELG Rule pursuant to its legal authorities under the CWA, particularly sections 301(b), 304(b), 306, and 307(b) and (c) of the Act. Together, Sections 301(b) and 304(b) authorize EPA to establish effluent limitations guidelines based on Best Available Technology Economically Achievable. Section 306 authorizes EPA to establish Standards of Performance for New Sources, and Sections 304(b) and (c) authorize EPA to establish pretreatment standards for new and existing sources. Moreover, Section 304(m)(1)(A) and 301(d) authorize EPA to review its pretreatment standards for possible revision every year. EPA's authority for the Postponement Rule rests upon the same authorities as the 2015 Steam Electric ELG Rule and that meet the definition of "tributary" set forth in the rule.

[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=yTVd54WyhDQ.

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

The statutory provisions in Section 301 requiring that effluent limitations be achieved no later than three years after promulgation, and in no case later than March 31, 1989, CWA section 301(b)(2)(C)-(F), could be read to apply only to BAT effluent limitations promulgated before 1989, with the statute being silent with regards to BAT effluent limitations promulgated thereafter. The statute also contemplates periodic review and revision of those guidelines, and implements those provisions through its CWA section 304(m) process. But the statute is silent about the deadline for effluent limitations and standards derived after 1989.

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

EPA is currently collecting additional data on such things as changes that have taken place in the industry subsequent to the analysis supporting the 2015 Rule as part of its commitment to reconsider the technology bases of the new more stringent limits on the flue gas desulfurization (FGD) and bottom ash waste streams that were established in the 2015 Rule.

Extensive consideration was given to estimated public health benefits of the 2015 Rule, as well as the costs, and regulatory options. Petitioners raised serious concerns about the costs and impacts of the 2015 Rule. After considering those concerns, as well as public comment in response to EPA's June 2017 proposed rule to postpone certain compliance dates, EPA finalized a rule in September 2017 postponing certain 2015 Rule compliance dates, and announced EPA's intention to conduct a subsequent rulemaking potentially revising the limits for those wastestreams for which the compliance dates were postponed. EPA's action to postpone those compliance dates in the 2015 Rule was intended to preserve the status quo for FGD wastewater and bottom ash transport water while EPA completes its next rulemaking.

EPA acknowledges that postponement of the compliance dates may lead to a delay in the accrual of some of the benefits attributable to the 2015 Rule. The 2015 Rule assumed that steam electric plants would comply with the new, more stringent requirements no later than 2023, including implementation of new control technologies over a five-year compliance period, according to their permit renewal schedule. However, if EPA did not postpone the compliance dates, industry would likely incur these costs, irrespective of what EPA determines as the final limits for FGD wastewater and bottom ash transport water. EPA determined that the estimated foregone costs to industry warrant the postponement of compliance dates in the 2015 Rule.

40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

    All Administratively Determined (AD) appointees receive initial ethics training pursuant to 5 C.F.R. § 2638.304. While the regulation allows agencies up to three months to provide that training, EPA typically ensures that the new AD appointees receive the ethics training within their first two weeks. This training is conducted personally by EPA's ethics officials in the Office of General Counsel rather than online. EPA requires that all AD appointees complete the public financial disclosure report, the OGE 278, and adheres to the regulatory deadlines set forth at 5 C.F.R. § 2634.201(b), which requires filing within the first 30 days. Please note, however, that the Agency may grant filing extensions as set forth at 5 C.F.R. § 2634.201(f).

    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

EPA Ethics delivers initial ethics training in person (or, for appointees who are in regional offices, via conference call or video conference) to all Administratively Determined (AD) appointees. In that training, they specifically address conflicts of interest and impartiality, and inform the appointee about recusal issues. When the appointee files the financial disclosure report, EPA Ethics can more accurately assess possible financial conflict of interest issues and determines whether the appointee should issue a written recusal statement. If necessary, EPA Ethics drafts that document.

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Please see Attachment 1.

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Please see Attachment 1.

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

Administrator Pruitt encourages an open, transparent debate on climate science – with a Red Team/Blue Team exercise being an option discussed to learn more about the questions around climate science.

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

The President's Budgets for FY 2018 and FY 2019 include proposals for significant staffing reductions and those levels were considerations in the establishment of internal planning targets which were to be revaluated after appropriations bills are passed and during the development of EPA's Operating Plan. The effort is on-going. Recent flat-lined appropriations in the majority of EPA's program projects, combined with payroll growth, have created challenges in meeting program requirements that are addressed with contracts or with grants. Taken together, these trends mean the agency must carefully manage workforce levels. Specific impacts vary depending on organizations' current staffing levels and attrition rather than a set percentage.

Office or Region	Starting point Onboard FTE (data as of 9/25/17)	Interim FTE Target for End of FY 2018
OA	362.6	340.3
OAR	1,106.7	1,085.2
OARM	652.0	646.8
OCFO	291.0	300.8
OCSPP	979.0	932.5
OECA	667.2	670.0
OEI	325.9	364.9
OGC	222.1	196.8
OIG	267.5	270.0
OITA	71.8	68.1
OLEM	468.5	456.4
ORD	1,619.9	1,463.7
OW	552.3	533.2
R01	514.9	535.9
R02	752.1	715.7
R03	764.7	713.5
R04	877.0	858.3
R05	1,008.1	979.5
R06	739.9	677.5
R07	445.6	449.0
R08	512.5	478.3
R09	699.5	652.1
R10	522.9	478.5
Total	**14,423.6**	**13,867.0**

43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

The *Chattanooga Free Times* press report is partially accurate with respect to the prioritization of the of the cleanup of impacted properties under the time-critical removal process at the Southside Chattanooga Lead Site. In an effort to minimize residents' exposure to highly contaminated soil, EPA's Superfund program is utilizing both removal and remedial cleanup authorities to expeditiously address the contamination at the Southside Chattanooga Lead Site. Currently, cleanup activities are being conducted under removal authorities. As a result, property cleanup is primarily based on detected lead concentrations above the removal management level of 1,200 milligrams per kilogram (mg/kg). In addition, special considerations are also provided to properties with children.

On January 18, 2018, the site was proposed for listing on the National Priorities List (NPL). Inclusion of the site on the NPL will allow additional resources to be allocated to address the contamination under the remedial program. EPA expects that residential properties, regardless of nature of occupancy, with lead concentrations above the anticipated site-specific cleanup level (360 mg/kg) will be addressed under the remedial process.

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

    In reviewing an update to the Lead and Copper Rule, EPA assesses potential costs. Any decisions regarding costs will be based on the substance of the rule, which is still in the rulemaking process.

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

EPA has agreed to reconsider a number of provisions of the CCR rule. The U.S. Court of Appeals for the D.C. Circuit ordered EPA to submit a status report indicating which provisions of the final CCR rule were being or were likely to be reconsidered by the agency and a timeline for their reconsideration. EPA filed that status report on November 15, 2017, indicating that the following provisions were or were likely to be reconsidered. These included issues that were before the Court as well as those that were not:

Provision	**Description**
Issues Before the Court	
40 CFR 257.50(c), 40 CFR 257.100	EPA Regulation of Inactive Surface Impoundments
40 C.F.R 257.53 – definition of beneficial use	The Criteria for Determining Whether Activities Constitute Beneficial Use or Disposal
40 CFR 257.95(h)(2)	Use of Risk-Based Alternative Standards for Remediating Constituents Without an MCL
40 CFR 257.53 – definition of CCR pile	The criteria for determining Whether a Pile will be Regulated as a Landfill or as Beneficial Use
40 CFR 257.96-98	Regulatory Procedures Used to Remediate Certain Non-Groundwater Releases
40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), 257.74(d)(1)(iv)	Requirements for Slope Protection on Surface Impoundments, Including Use of Vegetation
40 CFR 257.103(a) and (b)	Whether to Allow Continued Use of Surface Impoundments Subject to Mandated Closure if No Capacity for Non-CCR Wastestreams
40 CFR 257.50(e)	Regulation of Inactive Surface Impoundments, Including Legacy Ponds

[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

40 CFR 257.100	Exemption for Certain Remediation and Post-Closure Requirements for Inactive Surface Impoundments that Close by April 17, 2018 Note: EPA completed reconsideration of the issues associated with this claim. See 81 Fed. Reg. 51,802 (August 5, 2016).
Appendix IV to 40 CFR 257.93(b), 257.94(b), 257.95(b), 257.95(d)(1)	Addition of Boron to the List of Constituents that Trigger Corrective Action
Issues Not Before the Court	
40 CFR 257.97	Whether to Allow Modification of the Corrective Action Remedy
40 CFR 257.90	Whether to Suspend Groundwater Monitoring Requirements Where "No Migration" Demonstration is Made
40 CFR 257.98(c)	Whether to Allow Alternate Period of Time to Determine Remediation is Complete
40 CFR 257.104	Whether to Allow Modification of the Post-Closure Care Period
40 CFR 257.101, 257.102	Whether to Allow CCR to be Used to Close Surface Impoundments Subject to Mandated Closure
40 CFR 257.53	Clarify Placement of CCR in Clay Mines

46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

    EPA received two documents related to the April 17, 2017, petition: (1) a petition and cover letter from AES Puerto Rico, and (2) a petition from USWAG. These documents are attached (Enclosures).

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

Yes, the agency will ensure that any state programs that are approved meet all of the requirements for approval under the WIIN Act, including that the be "at least as protective as the 2015 CCR rule or successor regulations." In order for EPA to approve a state program, the statute requires that a state provide "evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State." See 42 U.S.C. 6945(d)(1)(A). As noted, the statute also requires that the program be "at least as protective as" the federal CCR rule. Moreover, in EPA's Interim Final Coal Combustion Residuals State Permit Program Guidance Document, EPA states in many places that the state must submit evidence that their program is at least as protective as the federal CCR rule and that this determination is subject to public notice and comment. EPA has been working with our state partners to ensure that their programs meet the statutory standard.

48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

Citizen enforcement of environmental laws can support governmental actions and foster deterrence and thus may be a relevant consideration when state legislatures are designing environmental programs. However, citizen suits also may take positions that are contrary to a state's interpretation of its own laws, creating confusion. Ultimately, a decision by a state legislature whether or not to include citizen suit provisions in their statutes should be left to that legislature, taking into account the needs of the state and the environmental program being addressed.

49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Based on information that electric utilities posted on their CCR websites, EPA is aware of 113 inactive surface impoundments. The 2015 CCR rule defines an inactive surface impoundment as "a CCR surface impoundment that no longer receives CCR on or after October 19, 2015, and still contains both CCR and liquids on or after October 19, 2015." The attached table shows available information on the name and location of the 113 CCR units (Enclosure). EPA does not have the information to answer parts c through e of the question, as facilities are not required to report such information to EPA under the current regulations.

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

On October 12, 2017, a team of EPA officials assessed the AES power plant to evaluate, among other things, potential spills or oil discharges, the stormwater collection and discharges system, and the wastewater treatment system. The assessment revealed that the power plant was structurally sound, oil spills were not observed from the diesel storage areas, and coal combustion residuals (CCR) had not migrated. EPA did not observe any discharge of CCR or Agremax material into wetlands. The stormwater management system implemented at the power plant appears to have prevented Agremax material and coal from discharging into the wetlands. A copy of the assessment information for the facility is enclosed.

It should be noted that the power plant had been shut down until just recently. Some structures, such as metal sidewalls and portions of the conveyors, were impacted by the storm and they were being repaired. The power plant remained out of operation until the Puerto Rico Electrical Power Authority (PREPA) requested that AES begin to produce power. AES began to producing power the week of February 12th, 2018.

Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

EPA agrees that to meet its mission of protecting human health and the environment, Superfund cleanup remedies must be designed to account for the impacts of extreme weather events. The agency's existing processes for site cleanup planning and implementation provide a robust structure that allows consideration of these impacts. EPA integrates extreme weather vulnerability analyses and adaptation planning throughout the Superfund process, including when conducting feasibility studies, remedial designs and remedy performance reviews. Due to wide variation in the location and geophysical characteristics of contaminated sites, the nature of remedial actions at those sites, and local or regional climate and weather regimes, a place-based strategy is the most effective method to achieve this.

In 2012, the agency conducted a Superfund program assessment to: (1) identify extreme weather impacts most likely to affect remedies that are commonly used for contaminated groundwater, soil, or sediment; (2) evaluate associated vulnerabilities of the remedies; and (3) establish adaptation strategies for new and existing remediation systems. Since that time, EPA has been working to raise awareness among stakeholders, including Superfund site remedial project managers, about the importance of evaluating and addressing extreme weather vulnerabilities to ensure the continued protectiveness of remedies. The agency also continues to develop technical guidance, informational tools and training to assist site managers in integrating extreme weather vulnerability analyses and adaptation planning throughout the Superfund process.

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.
    a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
    b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

As I indicated at the hearing, the Agency has responded to various requests for records regarding this issue to both Congress and inquiries received via Freedom of Information Act.

<u>Sites Targeted for Immediate Intense Action</u>: In developing the "immediate, intense action" list, senior career Superfund staff at EPA headquarters and in each region were consulted and identified potential sites that may be worthy of special attention now or in the future to advance those sites through the cleanup process. The recommended sites represent the EPA regions' best professional judgment where the Administrator's involvement would facilitate site progress. The Administrator reviewed the recommendations and personally selected the sites for inclusion. The list includes sites that require timely resolution of specific issues to expedite cleanup and redevelopment efforts. The specific issue or milestone that may benefit from the Administrator's attention is noted for each site on the list, which can be found on the EPA website at: <u>https://www.epa.gov/superfund/superfund-sites-targeted-immediate-intense-action</u>.

The list is designed to spur action at sites where opportunities exist to act quickly and decisively. The Administrator will receive regular updates on each of these sites. Further, the list is intended to be dynamic and sites will move on and off the list as appropriate. At times, there may be more or fewer sites based on where the Administrator's attention and focus is most needed.

<u>Redevelopment Focus List</u>: In formulating the redevelopment focus list, EPA headquarters staff reached out to the EPA regional Superfund Redevelopment Initiative (SRI) coordinators to inquire about sites where there has been a strong interest in reuse or at sites appearing to have the strongest near-term reuse potential. This inquiry formed an initial list. Consistent with the Task Force Recommendation #33: *Focus Redevelopment Efforts on 20 NPL Sites with Redevelopment Potential and Identify 20 Sites with Greatest Potential Reuse*, EPA headquarters staff then narrowed the list based on the following criteria:

- **Previous outside interest**
- **Transportation access**
- **Land values**
- **Other critical development drivers.**

This refined list of sites was shared with the Agency's regional Superfund offices, which vetted the sites with SRI experts, remedial project managers, attorneys and regional management. The regional offices also contacted property owners, as appropriate, to let them know that EPA was considering their sites for the list, and reached out to EPA's state counterparts to ask if they had additional sites with redevelopment potential that the Agency should consider. Once EPA headquarters and the regions reached agreement, the list was made public.

The Redevelopment Focus List is intended to easily direct interested developers and potential owners to Superfund sites with redevelopment potential. EPA plans to focus redevelopment training, tools and resources towards the sites on this list. The Agency also plans to work with developers interested in reusing these and other Superfund sites; identify potentially interested businesses and industries to keep them apprised of redevelopment opportunities; and continue to engage with community groups in cleanup and redevelopment activities to promote the successful redevelopment and revitalization of their communities. This list is intended to be dynamic with sites moving on and off the list as appropriate.

The current list of sites may be found at: https://www.epa.gov/superfund-redevelopment-initiative/superfund-redevelopment-focus-list
For additional information about the Superfund Redevelopment Initiative, please go to: https://www.epa.gov/superfund-redevelopment-initiative

53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

    As to the Superfund Special Emphasis List, all 10 Regions were asked to submit their recommendations on sites that could benefit from attention and involvement. From the list submitted, the Agency selected the ones to be listed initially. EPA originally anticipated a list of 10 would be the metric. However, with discussion and review of those submitted, the list expanded to 21.

    As to the Redevelopment Site list, all 10 Regions again submitted recommendations for the list. The career staff in EPA's Office of Land and Emergency Management made the final recommendations to me.

b. What process do you intend to use in removing and adding sites to these lists?

As to the Superfund Special Emphasis List, the expected milepost or achievement needing attention is listed at the outset. Once that is achieved and absent a new milepost needing attention, the site would be deleted from the list. As to adding sites, the same process as originally employed will be replicated quarterly.

As to the Redevelopment List, a site will be removed once it has had an effective contract to reuse or it is apparent it is not viable, the site would be removed. Additions would come in the manner above with quarterly recommendations from the Regions to the career headquarters Superfund staff.

c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

As to the Superfund Special Emphasis List, the listing has brought a focus and urgency to both the Potentially Responsible Parties and to those who are directly responsible to effect clean up and interact with the Potentially Responsible Parties. What the boss inspects, the employees respect. We have already seen sites stalled for years come to final pathway to resolution. Additionally, we have seen other sites move through my approval on to the remediation pathway.

As to the redevelopment list, this allows those parties interested in developing Superfund sites to focus on a few promising sites rather than sifting through 1344 sites. It also will allow potential third party dollars to be used in cleanup and more quickly return the property to productive use.

d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

The status of the sites is monitored, particularly on the Special Emphasis List very frequently. We will update and revise after each quarter and will transparently report on additions and deletions, which will be available at https://www.epa.gov/superfund/superfund-task-force.

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Yes, EPA will continue to work as quickly as possible to implement the Record of Decision (ROD) for the lower 8.3 miles of the Passaic River. The designation as a special emphasis site is intended to maintain a focus on the high priority cleanup actions that are necessary as we continue to oversee the design work for the bank-to-bank dredging and associated work.

After the ROD was signed in March 2016, EPA negotiated and signed a settlement agreement with Occidental Chemical Corporation (OCC) in September 2016 for OCC to perform the remedial design for the selected remedy. Signing a settlement agreement for a $165 million remedial design in six months was an unprecedented accomplishment for EPA. The schedule for the remedial design estimated in the ROD was approximately four years. More than one year into the design, OCC, under EPA oversight, is still on schedule to complete the design by 2020.

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

There is no federal ethics correlation between the FDIC matter and Mr. Kelly's service to EPA.

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.
    a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
        i. What experience did he have that you believe qualified him to serve as Chair?
        ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
    b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
    c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Mr. Kelly has years of leadership positions from our home state of Oklahoma that has suited him for his position to facilitate Superfund reform. During the production of the Superfund Task Force Recommendations, Mr. Kelly was my leading appointee who spearheaded the effort while compiling the suggestions of career staff. Since the production of the recommendations, he has lead the efforts to begin the implementation of the recommendations. Mr. Kelly remains the Chair of the Superfund Task Force, and is assigned other roles as requested and required.

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

In response to stakeholder concerns, in December 2017, EPA released a Federal Register Notice to initiate the process to revise certain requirements in the Worker Protection Standard (WPS) and Certification of Pesticide Applicators Rule. By the end of fiscal year 2018, EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on possible revisions to the WPS requirements for minimum age, designated representatives, and application exclusion zones, and the minimum age requirement for certified applicators. While the agency seeks public input on these possible changes, the compliance dates for the two rules remain in effect. EPA remains committed to protecting agricultural workers who handle and apply pesticides. Any possible revisions included in the proposed rulemakings will comply

with all applicable statutory requirements and executive orders, including Executive Order 12898.

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.
    a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

       No.

    b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

       This is a secure phone line and room to be used for secured conversations with administration officials. This was an update to the building. For the information of the Committee, the upgrades and maintenance to the two main North and South portions of this 1930's era grand building is approximately $6 million every year out of EPA's most recently annual appropriation of $7.9 billion.

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

    Cleaning up the nation's Superfund sites and returning them to communities for beneficial use is one of EPA's top priorities. Under the President's Budget for EPA, up to $20 million will be provided for DOJ support for Superfund Enforcement to focus on the highest priority sites, particularly those that may present an immediate risk to human health and the environment.

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

    EPA's previous action on this issue was carried out under the June 2015 "Implementing Instructions for Executive Order 13693: Planning for Federal Sustainability in the Next Decade," and was not an agency regulation. Based on stakeholder concerns and interagency discussions, the EPA recommendation for the lumber/wood product category was removed from the "Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing" in December 2016. Before further action on this product category, EPA will ensure coordination with the USDA Forest Service and USDA Natural Resources Conservation Service, Department of Energy, OMB, and CEQ to determine how forestry standards should best be evaluated. Once the federal agencies have had time to come to consensus, EPA would engage stakeholders to refine the guidelines pertinent to evaluating the lumber/wood recommendation. This process is intended to provide a transparent, fair, and consistent approach to updating the EPA recommendation of forestry certifications and assessing other commodities' extraction/harvesting related environmental impacts.

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

    There has been a heightened interest from a broad range of stakeholders advocating for programmatic changes to the Renewable Fuel Standard (RFS) in order to expand the use of higher ethanol blends and stabilize the costs of compliance. The above referenced interviews were subsequent to a then-recent meeting with government leaders at the White House which included representatives from your office. As you may recall, concerns were expressed regarding the variability of Renewable Identification Number (RIN) values, the impact of those costs on obligated parties and the range of options government leaders and policy makers should consider to strengthen the long-term viability of the RFS program. My references to RFS or RIN reform in those interviews was merely a summation of those discussions and associated concerns.

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

    Expanding the 1.0 pound per square inch (psi) waiver for RVP to E15 has been and continues to be a part of RFS reform options expressed and supported by a range or stakeholders. Senator Fischer has shown great leadership in the Senate on this issue and, during the same interviews referenced in the preceding question, I discussed the prospect of granting this type of waiver and have been assessing the legal and technical considerations for an administrative action.

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

    We, along with our colleagues across the federal government, will monitor any such bankruptcy proceedings closely. However, we would treat each situation on a case-by-case basis, so I am not able to comment further on this matter.

64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

    PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

    PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

    a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

    PRIA provides approximately 33 percent of the funding for EPA's pesticide program activities. Currently operating under the third iteration of the statute, PRIA provides two funding sources to EPA's pesticide program:

    - **One time registration service fees (i.e., PRIA fees) for the evaluation of new applications submitted to the EPA; and**
    - **Annual FIFRA maintenance fees assessed to products currently in the marketplace, a significant portion of which are used to support the re-evaluation of pesticides in order to meet the statutory deadline of October 1, 2022, for completing the first round of registration review.**

    PRIA's authorization expired on September 30, 2017, has been extended in short term reauthorizations in each continuing resolution, and is now authorized through March 23, 2018. Legislation reauthorizing PRIA is currently pending in Congress. If the authorization expiration date is not further extended or if PRIA is not reauthorized by that date, pesticide applications submitted after that date will no longer be subject to decision time periods. The two year sunset provision in FIFRA section 33(m) specifies fees be reduced in fiscal year 2018 by 40 percent below the levels in effect during fiscal year 2017, and by 70 percent in

fiscal year 2019. Effective September 30, 2019, fee requirements under PRIA would be terminated.

Additionally, if PRIA were not reauthorized, $2 million per year for worker protection activities, pesticide safety education programs, and partnership grants, monies that currently come from PRIA funds, would not be available and these programs would not be funded. These activities include:

- **Developing and administering a pesticide safety training program that will support a national network of pesticide safety trainers providing worker safety training to migrant and seasonal farmworkers and their families (National Farmworker Training Program);**
- **Developing pesticide education materials for workers, handlers, and trainers on how to comply with WPS (cooperative agreement with UC-Davis and Oregon State University); and**
- **Supporting National Pesticide Information Center (NPIC), a bi-lingual, factual source of information for professional and public audiences on pesticide-related issues.**

b. What would be the impact to farmers across my state and the country?

PRIA provides predictability and regulatory certainty to all stakeholders regarding the timing of pesticide registration decisions. In the absence of PRIA, the statutory timelines would no longer exist and applications to register new pest control tools would be reviewed as resources were available. However, EPA would not be in a position to guarantee a registration decision timeline with any certainty. Farmers in need of new pest control tools would be greatly impacted as they may not be able to timely adopt new technologies to address their pest management needs.

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

    There has been a heightened interest from a broad range of stakeholders advocating for programmatic changes to the Renewable Fuel Standard (RFS) in order to expand the use of higher ethanol blends and stabilize the costs of compliance. The above referenced interviews were subsequent to a then-recent meeting with government leaders at the White House which included representatives from your office. As you may recall, concerns were expressed regarding the variability of Renewable Identification Number (RIN) values, the impact of those costs on obligated parties and the range of options government leaders and policy makers should consider to strengthen the long-term viability of the RFS program. My references to RFS or RIN reform in those interviews was merely a summation of those discussions and associated concerns.

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

    We, along with our colleagues across the federal government, will monitor any such bankruptcy proceedings closely. However, we would treat each situation on a case-by-case basis, so I am not able to comment further on this matter.

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

    We are aware that PES recently filed a plan of reorganization with a bankruptcy court in Delaware, and we, along with our colleagues across the federal government, are monitoring the bankruptcy proceedings closely. As this is the subject of ongoing court proceedings, I am not able to comment further on this matter.

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Under the Renewable Fuel Standard (RFS) program, cellulosic ethanol produced from corn kernel fiber qualifies to generate cellulosic RINs under an existing approved fuel pathway if certain registration and reporting requirements are met. EPA has registered some ethanol facilities under this pathway and received additional applications that are currently under review at this time.

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Facilities that are simultaneously processing corn starch and corn kernel fiber to produce a mixture of conventional ethanol and cellulosic ethanol. The regulations require use of a test method to identify the cellulosic converted fraction that has either been certified by a voluntary consensus standards body or is demonstrated to produce "reasonably accurate" results. Unfortunately, there is currently no analytical test method that is certified by a voluntary consensus body and no certified reference samples containing both cellulose and starch. This requires EPA to evaluate each company's application on its unique merits. Due to the complexity of these applications, EPA does not have a specific time to complete its review. However, EPA is committed to supporting efforts by the industry and other government/non-governmental parties to find a way forward.

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

The registration process is designed to ensure that when RINs are generated the fuel on which they are based qualified for the corresponding category of renewable fuel. EPA takes this responsibility very seriously, and in some cases it takes considerable time to work through the technical issues, which may include developing new test procedures. In projecting cellulosic biofuel production for 2019 as part of the RVO process, EPA staff carefully monitor the status of pending facility registration requests to ensure that our projections of cellulosic RINs generated in 2019 are as accurate as possible. We also carefully consider the comments we receive on the

proposed rule and make amendments to our projection methodology and volume projections as appropriate.

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

EPA is continually making changes to its website and other digital information resources to reflect and support the agency's current priorities and work. When we remove information from our main portal, www.epa.gov, the majority of the time we make sure it is still available to the public via our archive website, https://archive.epa.gov/. In addition, because of the public concern about access to information on our website last year, we created a snapshot website that contains the content that was on our main portal on January 12, 2017. The snapshot website can be searched here: https://19january2017snapshot.epa.gov/.

All changes to EPA's websites and digital resources are coordinated between the different offices at the agency. We do our best to make new information available to the public as soon as possible and then notify them of the changes.

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated [...] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

    We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

In some enforcement circumstances, the EPA issues a NOV to a facility owner/operator that the agency has identified as having one or more violations. However, not all statutes include provisions for issuance of an NOV or require issuance of an NOV. *Compare* Clean Air Act § 205(c)(1), 42 U.S.C. § 7523(c)(1) ("[T]he Administrator shall give written notice to the person to be assessed" a penalty) *with* Clean Water Act § 309, 33 U.S.C. § 1319 (no provision for written notice).

Since not all statutes include these provisions, the agency does not centrally track all NOVs in the agency's Integrated Compliance Information System (ICIS) enforcement and compliance database. Some information on NOVs is available in ICIS, but NOVs are not required to be entered. Additionally, because NOVs do not always result in the need for follow-up enforcement actions, *e.g.*, where the facility promptly returns to compliance, we do not have the ability to link NOVs to later enforcement actions.

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

EPA's civil penalty policies provide the bases upon which EPA compromises claims and settles cases for less than the statutory maximum penalty. These policies can be found here https://www.epa.gov/enforcement/enforcement-policy-guidance-publications. The negotiation of penalties is based on these policies. The specifics of each case are confidential enforcement information. When an enforcement action is withdrawn or not pursued, that information is reported in ICIS. However, please note that these data are not certified and may not always be entered in a timely manner. We have provided below the total number of enforcement actions in ICIS reported as withdrawn or not pursued. Because the decision to withdraw a case may involve an enforcement-confidential determination, we have not provided a list of cases.

Actions Reported:	CY08	CY09	CY10	CY11	CY12	CY13	CY14	CY15	CY 16	CY 17
Total	64	126	65	105	95	57	57	26	31	23

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

The enforcement and compliance work accomplished in fiscal year 2017 included work performed under both the prior and current administrations. This administration is proud to highlight accomplishments and to honor EPA employees for all of the great work they did last fiscal year.

In response to your request for data on the percentage of FY17 fines, penalties, and other relief secured before and after January 20, 2017, please see the chart below.

Measure	Total FY 2017 Values October 1, 2016 - September 30, 2017	Values for October 1, 2016 - January 19, 2017	Percentage for October 1, 2016- January 19, 2017	Values for January 20, 2017 – September 30, 2017	Percentage for January 20, 2017 – September 30, 2017
Fines (Criminal)	$2,829,202,563	$8,716,000	0.3%	$2,820,486,563	99.7%
Restitution (Criminal)	$147,520,835	$84,755,737	57.5%	$62,765,098	42.5%
Court Ordered Environmental Projects (Criminal)	$3,092,631	$1,146,362	37.1%	$1,946,269	62.9%
Amount Committed by Liable parties to Clean Up for Superfund sites	$1,227,057,039	$68,586,500	5.6%	$1,158,470,539	94.4%
Amount Committed by Liable Parties to Reimburse the Government for Past Costs at Superfund Sites	$142,577,803	$22,398,806	15.7%	$120,178,997	84.3%
Judicial Penalties	$1,583,608,081	$51,310,581	3.2%	$1,532,297,500	96.8%
Administrative Penalties	$48,078,393	$13,206,031	27.5%	$34,872,362	72.5%
Injunctive Relief (Judicial and Administrative)	$19,971,202,303	$16,483,587,889	82.5%	$3,487,614,414	17.5%

[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Supplemental Environmental Projects (Judicial and Administrative)	$17,255,199	$4,013,347	23.2%	$13,241,852	76.8%

b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?

Please see the chart below in response to your question.

Measure	FY 2017 Counts	Case Counts from January 20, 2017 - September 30, 2017	Percentage
Civil Judicial Referrals	114	81	71%
Criminal Cases Opened	115	70	61%
Inspections/Evaluations[30]	9,918	7,924	80%
Administrative Penalty Order Complaints (APOCs)	1,218	939	77%
Administrative Compliance Orders (ACOs)	606	476	79%
Final Administrative Penalty Orders (FAPOs)	1,255	972	77%
Complaints Filed With Court	83	43	52%

75. The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates [...] especially enforcement actions to address environmental violations?[31]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

[30] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)
[31] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

EPA's enforcement efforts continue to be focused on achieving compliance, not on the number of individual actions taken. To achieve the desired outcome, EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for businesses. Recognizing that states are the primary implementers of our nation's environmental laws, EPA will focus where it can provide the most value including matters affecting multiple states or tribes, serving as a backstop when a state or tribe does not address serious noncompliance in a timely fashion, and assisting states and tribes when they lack the capability, resources, or will to address noncompliance.

In FY 2019, the agency is requesting 2,264.1 FTE for the civil, criminal, Superfund, and federal facilities enforcement programs.

CLIMATE IN DRAFT STRATEGIC PLAN

76. You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[32] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[33] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[34] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

    EPA recognizes the challenges that communities face in adapting to a changing climate. EPA works with state, local and tribal governments to improve infrastructure to protect against the consequences of climate change and natural disasters. EPA also promotes science that helps inform states, municipalities, and tribes on how to plan for and respond to extreme events and environmental emergencies. Moving forward, EPA will continue to advance its climate adaptation efforts, and have reconvened the cross-EPA Adaptation Working Group in support of those efforts.

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[32] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general

[33] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html

[34] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.

77. Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[35] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Strategic plans are drafted every five years to reflect new initiatives and projects of the Agency. Naturally the plan will be reflective of the current administration's priorities of refocusing the Agency on its core mission, restoring power to the states through cooperative federalism, and leading the Agency through improved processes and adherence to the rule of law.

PERSONNEL

78. In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

    Based on the distribution of scientific positions within the agency workforce, EPA would estimate that between 8,300 and 8,800 scientific positions would be supported through the FY 2019 Presidents Budget Request. This is an estimate extrapolated from on-board data that is current as of FY 2017 and includes non-federal positions. The actual number is dependent upon programmatic workforce decisions that remain to be made as well as factors such as attrition.

    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

    The Regional Science and Technology program performs laboratory analysis, field monitoring, and sampling investigations in order to provide credible scientific data on environmental pollutants and conditions to Agency

[35] Ibid.

policy makers. Under its Reform Plan, the Agency is working to develop a comprehensive enterprise-wide laboratory approach that will address many of the programs' traditional functions.

TOXIC CHEMICALS

79. During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

    Please see response to Question 10.

80. The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

    There are no plans to move IRIS out of ORD.

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

    N/a. See 80a.

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

    We are working to gather this information with regard to EPA's IRIS meetings and will provide this information to you as soon as possible.

Senator Merkley:

81. Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

    Information responsive to these questions can be found in EPA guidelines and public documents, including:
    - **https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees**
    - **https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf**
    - **https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument**

82. The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

    All EPA employees, including Special Government Employees, must abide by federal ethics laws and regulations, including the Standards of Ethical Conduct for Employees in the Executive Branch, 5 C.F.R. Part 2635, and the conflict of interest statutes codified in Title 18 of the United States Code. Agency policies, including ethics-related and conflict of interest guidelines, which can be found at:
    - **https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees**
    - **https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf**
    - **https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument**

83. You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

All EPA employees, including Special Government Employees, must abide by federal ethics laws and regulations, including the Standards of Ethical Conduct for Employees in the Executive Branch, 5 C.F.R. Part 2635, and the conflict of interest statutes codified in Title 18 of the United States Code. Agency policies, including ethics-related and conflict of interest guidelines, which can be found at:

- https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees
- https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf
- https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument

84. You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

The Agency is committed to selecting qualified and knowledgeable individuals to serve on advisory committees. All EPA employees, including Special Government Employees, must abide by federal ethics laws and regulations, including the Standards of Ethical Conduct for Employees in the Executive Branch, 5 C.F.R. Part 2635, and the conflict of interest statutes codified in Title 18 of the United States Code. Agency policies, including ethics-related and conflict of interest guidelines, which can be found at:

- https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees
- https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf
- https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument

85. In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

EPA makes grant awards publicly available. These databases can be found at:

- **https://yosemite.epa.gov/oarm/igms_egf.nsf/Homepage?ReadForm**
- **https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/search.welcome**

86. During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

I am committed to upholding EPA's Scientific Integrity Policy, which ensures that the agency's scientific work is of the highest quality, is presented openly and with integrity, and is free from political interference. EPA scientists are supported in speaking directly to the science in their presentations, yet leave policy statements to the relevant programs. In their private capacity, EPA staff can freely exercise their right to express their personal views provided they specify that they are not speaking on behalf of the Agency.

87. The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
    a. Did you realize that this decision was in violation of the policy?

    I am committed to upholding EPA's Scientific Integrity Policy. Procedures have been put in place to prevent such an occurrence in the future.

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

I am committed to upholding EPA's Scientific Integrity Policy, which ensures that the Agency's scientific work is of the highest quality, is presented openly and with integrity, and is free from political interference.

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

I am committed to upholding EPA's Scientific Integrity Policy. The policy recognizes the distinction between scientific information, analyses, and results from policy decisions based on that scientific information. Policy makers within the Agency weigh the best available science, along with additional factors such as practicality, economics, and societal impact, when making policy decisions.

88. You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Meetings related to this issue are in the public record.

As part of EPA's overall regulatory review and in response to a petition in April 2017, EPA announced a proposal to postpone certain compliance dates in the 2015 Steam Electric ELG Rule in order to give full consideration to those concerns. After reviewing thousands of public comments to EPA's June 2017 proposed rule to postpone those dates, EPA finalized a rule in September 2017, postponing certain compliance dates in the 2015 Rule and announcing our intention to conduct subsequent rulemaking to potentially revise the limits for those wastestreams whose compliance dates were postponed dates.

89. Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Under TSCA section 6(a), regulation of certain uses of methylene chloride, NMP, and TCE were proposed in 2016 and 2017. These actions were listed as Long-Term Actions on the Unified Agenda, meaning they are under development, but EPA did not expect to have a regulatory action within the year following publication of the Unified Agenda. The agency is currently considering the comments received in response to the 2016 and 2017 proposals, including comments suggesting that EPA quickly finalize these actions and comments suggesting that these actions be evaluated as part of the group of the first ten chemicals undergoing initial risk evaluations under the amendments to TSCA.

90. During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

It is premature for EPA to determine whether asbestos used by the chloralkali industry will be subject to regulation under TSCA. As required by amended TSCA under section 6(b)(4)(A), EPA must first conduct a risk evaluation to determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under its conditions of use. EPA initiated the risk evaluation for asbestos in December 2016. Subsequently, in June 2017, EPA published the scope document as per TSCA section 6(b)(4)(D) for the asbestos risk evaluation. In this scope document, EPA identified asbestos diaphragms used by the chloralkali industry to produce chlorine and caustic soda as a condition of use that would be included within the scope of the asbestos risk evaluation. This risk evaluation must be completed within three years of initiation, with a possible extension of 6 months. If EPA determines from the risk evaluation that the conditions of use of asbestos by the chloralkali industry present an unreasonable risk of injury to health or the environment, then regulation would be pursued under TSCA section 6(a).

91. EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

92. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

    We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

93. While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

        Dr. Dourson was a Senior Advisor to the Administrator. His position was a Non-Career Senior Executive Service Limited Term position located in the Office of the Administrator. He has since left the agency.

    b. Whom did he supervise?

        Dr. Dourson did not have any supervisory responsibilities.

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

        Dr. Dourson did not have any OCSPP duties delegated to him.

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

        Dr. Dourson was a Senior Advisor to the Administrator, a position located in the Office of the Administrator. He advised on issues related to chemical safety.

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

        A Comprehensive search could not be performed by the submission of this document.

f. Please provide Dr. Dourson's daily schedule while he was at EPA.

A Comprehensive search could not be performed by the submission of this document.

94. You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.
    a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

EPA's issuance of the January 25, 2018 guidance memo provided the public with notice of EPA's plain language reading of the statutory terms "major source" and "area source". The public was notified of the memorandum through a notice published in the Federal Register on February 8, 2018. Further, EPA will be providing for public engagement through an opportunity for public comment on the plain language reading of the statute discussed in the January 25 memo. As stated in the memo, EPA expects to "publish a Federal Register notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute as discussed in this memorandum." EPA staff are currently working on a proposed rule package. Finally, we disagree with the assertion that EPA somehow circumvented the regulatory process in issuing the memo. The January 25 guidance memo provides EPA's reading of the plain language of statutory terms in the Clean Air Act and withdrew a prior guidance memorandum that had been issued without notice and comment rulemaking. The Supreme Court (in Perez v. Mortgage Bankers Association, 135 S.Ct. 1199, 1206 (2015)) has recognized that EPA and other agencies may revise and withdraw policies issued through guidance without conducting a notice and comment rulemaking.

95. Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

In the January 25, 2018, guidance memorandum titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act," EPA addressed the question of when a major source subject to a MACT standard may be reclassified as an area source and avoid being subject to major source requirements. The memo states that the plain language of the definitions of "major source" and "area source" in CAA section 112(a) compels the conclusion that a major source becomes an area source at such time as the source takes an enforceable limit on its potential to emit (PTE) hazardous air pollutants (HAP). Under this plain reading of the CAA, sources of HAP previously classified as "major sources" may be reclassified as "area" sources when the facility limits its PTE below major source thresholds using a federally enforceable mechanism. There is no time limitation supported within the plain reading of the CAA Section 112 definitions of major and area source.

96. Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

    EPA published its FY 2018-2022 Strategic Plan on February 12, 2018. Within that plan, EPA included a strategic measure (SM-19 within Objective 3.2) to meet 100% of legal deadlines imposed on EPA by September 30, 2022. You can view that plan here: https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf. Moreover, special interests groups, and others alike, can always choose to exercise the rights provided to them by the law.

97. In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

    The Memorandum to which you are referring is not a set of conclusions made at the end of a case-by-case investigation, but rather describes general concerns of those outside of the agency who wanted to participate in the process for resolving a particular case but could not. As the related Directive explained, *"It has been reported*, however, that EPA has previously sought to resolve lawsuits through consent decrees and settlement agreements that appeared to be the result of collusion with outside groups." (Emphasis added.) While the words "It has been

reported" do not also appear in the Memorandum, the intent of the statements was the same. It is not my position that EPA lawyers have violated their bar obligations.

98. It has been reported that the grant review process at EPA has been captured by political appointees.
    a. Can you please describe how the EPA is currently reviewing grants?

       Please see Attachments 6 and 7.

    b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

       The purpose of the grant solicitation review process EPA has in place is consistent with previous administrations. Under our current grant solicitation review process, grant solicitations are prepared by program and regional staff, who then consult with a centralized review to ensure the expenditures of EPA funds are consistent with agency priorities. This process is similar in nature to long standing agency practice for grant awards, under which political appointees heading EPA program and regional offices consult with career staff as they approve or disapprove grants.

       Further, the EPA solicitation review process only addresses competitive grants. State, tribal and local governments receive the vast majority of EPA grant funding on a non-competitive basis for continuing environmental programs and state revolving loan funds for water infrastructure projects. These funds are allocated based on statutory, regulatory or program policy formulas that take into account a variety of factors. The process EPA has established for reviewing competitive solicitations does not impact these grants.

Senator Sanders:

Climate Change

99. During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100

would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

EPA recognizes the challenges that communities face in adapting to a changing climate. EPA works with state, local and tribal governments to improve infrastructure to protect against the consequences of climate change and natural disasters. EPA also promotes science that helps inform states, municipalities, and tribes on how to plan for and respond to extreme events and environmental emergencies. Moving forward, EPA will continue to advance its climate adaptation efforts, and have reconvened the cross-EPA Adaptation Working Group in support of those efforts.

Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.

Lead

100. You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Since the 1970s, EPA and other federal agencies have implemented numerous actions resulting in a significant reduction of lead exposure throughout our country and significantly lower blood lead levels in children. According to the Centers for Disease Control and Prevention, no safe blood lead level in children has been identified and even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. Now, tackling the problem at this stage will benefit from a coordinated federal-wide effort. To this end, EPA is collaborating with our federal partners to address the remaining exposures and to explore ways to increase our relationships and partnerships with states, tribes, and localities. As Co-chair of the President's Task Force on Environmental Health Risks and Safety Risks to Children, EPA Administrator Scott Pruitt recently hosted a meeting of principals from the 17 Federal departments and agencies on the

President's Task Force. At the meeting, the Task Force members, including EPA Administrator Scott Pruitt, committed to make addressing childhood lead exposure a priority and to quickly develop a new federal strategy to reduce childhood lead exposures. At EPA, this includes identifying and seeking to appropriately address disproportionately high and adverse childhood lead exposure in minority and low-income communities.

101. In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

EPA's cost estimate to fully replace all lead service lines is $30-$47 billion.

The EPA cost estimate cost range accounts for uncertainty regarding the total number of lead service lines that remain in service. National surveys completed by the American Water Works Association indicate that between 6.5 and 10 million lead service lines may exist. The expense of a lead service line replacement can vary between $1,200 and $12,300, based on a number of factors, including the replacement technique, the length of the service line, if the replacement is coordinated with other infrastructure work, if the street needs to be cut and repaved, and if landscaping restoration is included. EPA estimates that an average lead service line replacement cost is $4,700 per line. Given the average cost of replacing a lead service line and the estimated range of lead service lines in the country, the total cost of replacing all lead service lines may range from $30 to $47 billion.

We would also note that Fitch Ratings retracted their initial cost estimate of $275 billion on March 8, 2016, just a few days after its initial reporting on March 4, 2016, and provided a revised estimate of "a few billion to $50 billion." Their updated cost estimate is in line with EPA's estimate.
https://www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/08/rating-agency-corrects-lead-pipe-replacement-estimate/81499712/

EPA Website

102. On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.
Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

103. On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

104. Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

Renewable Energy

105. In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

My personal view is that the federal government ought not use the tax code to pick winners and losers. As you may know, it is the province of the legislative branch to establish tax credits. EPA does not have a formal role in this process.

Senator Van Hollen:

106. You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

As directed by Congress, under TSCA, EPA reviews new chemicals for unreasonable risk, and where necessary takes action to protect against such risk before a new chemical may be commercialized. Where EPA makes one of the determinations that call for an order under the statute – for example, that there is insufficient information to permit a reasoned evaluation of the chemical's effects – EPA will issue an order.

107. I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Regarding the Pebble Mine project, EPA's decision to suspend its proposal to withdraw the proposed determination under Clean Water Act section 404(c) does not impede the review of Pebble Limited Partnership's permit application by the Army Corps of Engineers under the normal Clean Water Act process. However, the Corps cannot issue a permit during the pendency of the section 404(c) process, and EPA will ensure protection of the world-class fishery in the Bristol Bay region. EPA looks forward to working with the Corps as the Corps assesses the permit application.

As to your broader question, EPA strongly supports the President's infrastructure initiatives and associated efforts to significantly improve predictability, timeliness, and consistency in the permitting of urgently needed infrastructure projects. The Agency is working under the President's direction to streamline and improve EPA's role in the review of new infrastructure projects to help to assure they are reviewed and permitting decisions are made without unnecessary delay.

Senator Wicker:

108. Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Section 211(o)(9)(B) of the CAA and 40 CFR 80.1441(e)(2) allow EPA to grant an extension of a small refinery's exemption from compliance with its renewable fuel volume obligations for a given year based on a small refinery's demonstration of "disproportionate economic hardship" in that year. The statute also directs EPA to consult with the Department of Energy (DOE) in evaluating small refinery exemption petitions. EPA will grant a hardship exemption if we conclude, after review of available information and in consultation with DOE, that a refinery will experience disproportionate economic hardship that can be relieved in whole or in part by removing its RFS obligations for that year.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 3/30/2018 6:08:42 PM
To: Fitter, E. Holly H. EOP/OMB [Personal Matters / Ex. 6]; Palich, Christian [palich.christian@epa.gov]
CC: Barringer, Jody M. EOP/OMB [Personal Matters / Ex. 6]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: RE: Status of LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals
Attachments: 2018.03.30 - OMB Superfund Response (Q52) - All Pruitt QFRs 01.30.2018_ebr_Reply.docx

Thanks Holly – Attached, I have included an update reflecting the question regarding the Task Force.

Tony Frye
Special Assistant
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Phone: 202.564.0640
Cell: [Personal Matters / Ex. 6]

From: Fitter, E. Holly H. EOP/OMB [mailto:[Personal Matters / Ex. 6]
Sent: Friday, March 30, 2018 2:01 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Barringer, Jody M. EOP/OMB <[Personal Matters / Ex. 6]>
Subject: Status of LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

Still waiting for DOJ. Do you have a response to the OMB question? Please provide to both me and Jody. I will be away from my desk for a bit but monitoring through i-phone.

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Friday, March 30, 2018 11:40 AM
To: Fitter, E. Holly H. EOP/OMB <E_Holly_Fitter@omb.eop.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Whiteman, Chad S. EOP/OMB <[Personal Matters / Ex. 6]>; Grossman, Andrea L. EOP/OMB <[Personal Matters / Ex. 6]; DL-CEQ-LRM <[Personal Matters / Ex. 6]>; Gamache, Christopher D. EOP/OMB <Christopher_D_Gamache@omb.eop.gov>; Laity, Jim A. EOP/OMB <James_A._Laity@omb.eop.gov>; Thomas, Amanda L. EOP/OMB <[Personal Matters / Ex. 6]; Winters, Paul A. EOP/OMB <[Personal Matters / Ex. 6]>; Barringer, Jody M. EOP/OMB <[Personal Matters / Ex. 6]>; Burgess, Scott H. EOP/OMB <[Personal Matters / Ex. 6]; Szabo, Aaron L. EOP/CEQ <[Personal Matters / Ex. 6]>; Laity, Jim A. EOP/OMB [Personal Matters / Ex. 6]; Mancini, Dominic J. EOP/OMB <[Personal Matters / Ex. 6]
Subject: RE: corrected CEQ edit on PASSBACK on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

Rec'd. Thanks

Tony Frye
Special Assistant
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Environmental Protection Agency
Phone: 202.564.0640
Cell: [Personal Matters / Ex. 6]

From: Fitter, E. Holly H. EOP/OMB [mailto: Personal Matters / Ex. 6
Sent: Friday, March 30, 2018 10:28 AM
To: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Whiteman, Chad S. EOP/OMB < Personal Matters / Ex. 6 >; Grossman, Andrea L. EOP/OMB < Personal Matters / Ex. 6 >; DL-CEQ-LRM Personal Matters / Ex. 6 Gamache, Christopher D. EOP/OMB Personal Matters / Ex. 6 Laity, Jim A. EOP/OMB < Personal Matters / Ex. 6 Thomas, Amanda L. EOP/OMB < Personal Matters / Ex. 6 >; Winters, Paul A. EOP/OMB < Personal Matters / Ex. 6 ; Barringer, Jody M. EOP/OMB Personal Matters / Ex. 6 Burgess, Scott H. EOP/OMB Personal Matters / Ex. 6 ; Szabo, Aaron L. EOP/CEQ < Personal Matters / Ex. 6 >; Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 >; Mancini, Dominic J. EOP/OMB Personal Matters / Ex. 6
Subject: corrected CEQ edit on PASSBACK on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

Please disregard the CEQ edit just sent – here is the correct edit – it merely deletes the last paragraph of Q2 – no changes to the first 3 paragraphs. See attached.

From: Fitter, E. Holly H. EOP/OMB
Sent: Friday, March 30, 2018 10:09 AM
To: 'Palich, Christian' <palich.christian@epa.gov>; 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Cc: Whiteman, Chad S. EOP/OMB < Personal Matters / Ex. 6 >; Grossman, Andrea L. EOP/OMB < Personal Matters / Ex. 6 >; DL-CEQ-LRM < Personal Matters / Ex. 6 Gamache, Christopher D. EOP/OMB Personal Matters / Ex. 6 Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 Thomas, Amanda L. EOP/OMB Personal Matters / Ex. 6 Winters, Paul A. EOP/OMB Personal Matters / Ex. 6 Barringer, Jody M. EOP/OMB Personal Matters / Ex. 6 ; Burgess, Scott H. EOP/OMB Personal Matters / Ex. 6 ; Szabo, Aaron L. EOP/CEQ < Personal Matters / Ex. 6 >; Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 Mancini, Dominic J. EOP/OMB Personal Matters / Ex. 6
Subject: CEQ on PASSBACK on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

See final edit from CEQ – more to come.

From: Fitter, E. Holly H. EOP/OMB
Sent: Friday, March 30, 2018 9:44 AM
To: Whiteman, Chad S. EOP/OMB < Personal Matters / Ex. 6 Grossman, Andrea L. EOP/OMB < Personal Matters / Ex. 6 >; DL-CEQ-LRM Personal Matters / Ex. 6 Gamache, Christopher D. EOP/OMB Personal Matters / Ex. 6 Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 Thomas, Amanda L. EOP/OMB Personal Matters / Ex. 6 Winters, Paul A. EOP/OMB Personal Matters / Ex. 6 ; Barringer, Jody M. EOP/OMB < Personal Matters / Ex. 6 >; Burgess, Scott H. EOP/OMB < Personal Matters / Ex. 6 >; Szabo, Aaron L. EOP/CEQ Personal Matters / Ex. 6 'JUSTICE' <justice.lrm@usdoj.gov>; Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 >; Mancini, Dominic J. EOP/OMB < Personal Matters / Ex. 6 >
Cc: 'Palich, Christian' <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; 'Shimmin, Kaitlyn' <shimmin.kaitlyn@epa.gov>; 'Lyons, Troy' <lyons.troy@epa.gov>; 'Ringel, Aaron' <ringel.aaron@epa.gov>; Burnim, John D. EOP/OMB Personal Matters / Ex. 6 Vaeth, Matt J. EOP/OMB Personal Matters / Ex. 6 ; Patel, Neal A. EOP/OMB Personal Matters / Ex. 6
Subject: FW: PASSBACK on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

See EPA response to edits – redlined and clean copy and advise of any final edits by 1:00 PM today – **FIRM deadline**. Thanks.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 3/30/2018 5:59:29 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: FW: OMB on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals
Attachments: 2018.03.29 - CLEAN VERSION - All Pruitt QFRs 01.30.2018_ebr_Reply.docx

Are you good with the attached response?

Tony Frye
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Phone: 202.564.0640
Cell: Personal Matters / Ex. 6

From: Fitter, E. Holly H. EOP/OMB [mailto: Personal Matters / Ex. 6
Sent: Friday, March 30, 2018 12:00 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Barringer, Jody M. EOP/OMB < Personal Matters / Ex. 6 >
Subject: OMB on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals

See question from OMB that EPA needs to respond to with regard to whether EPA is releasing internal documents. See page 37.

Deliberative Process / Ex. 5

Message

From: Fitter, E. Holly H. EOP/OMB Personal Matters / Ex. 6
Sent: 3/30/2018 1:44:18 PM
To: Whiteman, Chad S. EOP/OMB Personal Matters / Ex. 6 Grossman, Andrea L. EOP/OMB Personal Matters / Ex. 6 DL-CEQ-LRM Personal Matters / Ex. 6 Gamache, Christopher D. EOP/OMB Personal Matters / Ex. 6 Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 Thomas, Amanda L. EOP/OMB Personal Matters / Ex. 6 Winters, Paul A. EOP/OMB Personal Matters / Ex. 6 Barringer, Jody M. EOP/OMB Personal Matters / Ex. 6 Burgess, Scott H. EOP/OMB Personal Matters / Ex. 6 Szabo, Aaron L. EOP/CEQ Personal Matters / Ex. 6 'JUSTICE' [justice.lrm@usdoj.gov]; Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 Mancini, Dominic J. EOP/OMB Personal Matters / Ex. 6
CC: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Burnim, John D. EOP/OMB Personal Matters / Ex. 6 Vaeth, Matt J. EOP/OMB Personal Matters / Ex. 6 Patel, Neal A. EOP/OMB Personal Matters / Ex. 6
Subject: FW: PASSBACK on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals
Attachments: 2018.03.29 - CLEAN VERSION - All Pruitt QFRs 01.30.2018_ebr.docx; 2018.03.29 - EPA EDITS AND RESPONSES - All Pruitt QFRs 01.30.2018_ebr.docx

See EPA response to edits – redlined and clean copy and advise of any final edits by 1:00 PM today – **FIRM deadline**. Thanks.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 3/29/2018 9:08:55 PM
To: Palich, Christian [palich.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: UPDATED EPW QFRs
Attachments: 2018.03.29 - EPA EDITS AND RESPONSES - All Pruitt QFRs 01.30.2018_ebr (002).docx

Attached includes the responses, updates, and edits following OMB review of Administrator Pruitt's QFRs from his January 30th hearing at EPW. All of the changes included in the tracked change were accepted and responses are noted in the comment space. Please take a look and let me know if you have any thoughts or changes.

Once we get final concurrence from OMB, I will clean up the document for transmittal to EPW.

Tony Frye
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Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Personal Matters / Ex. 6

Message

From: Fitter, E. Holly H. EOP/OMB Personal Matters / Ex. 6
Sent: 3/27/2018 3:33:26 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]
CC: Whiteman, Chad S. EOP/OMB Personal Matters / Ex. 6 Grossman, Andrea L. EOP/OMB Personal Matters / Ex. 6 DL-CEQ-LRM Personal Matters / Ex. 6 Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Burnim, John D. EOP/OMB Personal Matters / Ex. 6 Vaeth, Matt J. EOP/OMB Personal Matters / Ex. 6 Patel, Neal A. EOP/OMB Personal Matters / Ex. 6 Gamache, Christopher D. EOP/OMB Personal Matters / Ex. 6 Laity, Jim A. EOP/OMB Personal Matters / Ex. 6 Thomas, Amanda L. EOP/OMB Personal Matters / Ex. 6 Winters, Paul A. EOP/OMB Personal Matters / Ex. 6 Barringer, Jody M. EOP/OMB Personal Matters / Ex. 6 Burgess, Scott H. EOP/OMB Personal Matters / Ex. 6 Szabo, Aaron L. EOP/CEQ Personal Matters / Ex. 6
Subject: PASSBACK on LRM [EHF-115-141Q*] EPA QFRs from EPA (Pruitt) Oversight Testimony on 2017 Accomplishments/2018 Goals
Attachments: 2018.03.15 - FINAL UPDATED DRAFT - All Pruitt QFRs 01.30.2018_ebr.docx

See edits from OMB, CEQ, and DOJ and provide your response – both a revised clean copy and a redline explanatory copy showing changes made to address comment/question and an explanation of any comments not accepted -- for final clearance. Thanks.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/14/2018 1:37:23 PM
To: Richardson, RobinH [Richardson.RobinH@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Moody, Christina [Moody.Christina@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: EPW QFR's
Attachments: Attachment 1 - QFR40 SES Appointments.xlsx; Attachment 2 - QFR46 USWAG letter.pdf; Attachment 3 - QFR46 USWAG petition.pdf; Attachment 4 - QFR46 AES petition.pdf; Attachment 5 - QFR49 impoundment summary.pdf; Attachment 6 - QFR98 Transmittal Email from OGD Director - 11.9.2017.pdf; Attachment 7 - QFR98 Revised Guidance for Managing OGD Grant Reporting 11-13-17.pdf; 2018.05.14 - FINAL - Administrator Pruitt QFRs EPW 01.30.2018.pdf

Good Morning All – Attached are the final QFR's we sent over to Senate EPW this morning. Let us know if you have any questions.
Thanks,
Tony

Tony Frye
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Environmental Protection Agency
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Cell: Personal Matters / Ex. 6

Senate Committee on Environment and Public Works
"Oversight Hearing to Receive Testimony from Environmental Protection Agency Administrator Scott Pruitt"
Questions for the Record for Administrator Scott Pruitt
January 30, 2018

Chairman Barrasso:

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

   On October 27, 2017, EPA issued a memorandum providing information to assist states' efforts to develop, supplement, or resubmit their "good neighbor" state implementation plans (SIP) for the 2008 ozone National Ambient Air Quality Standards (NAAQS). We noted in this memorandum that states may be able to rely on the modeling information conveyed with the memorandum as part of a demonstration of compliance with the good neighbor requirements. We believe this information will be helpful to any state working to resolve its 2008 good neighbor status, including Wyoming.

   On March 27, 2018, EPA issued a memo that includes EPA's air quality modeling data for ozone for the year 2023 including projected ozone concentrations at potential nonattainment and maintenance receptor sites for the 2015 ozone NAAQS and projected upwind state contribution data. States may use this information as they develop or review state implementation plans to assure that emissions within their jurisdictions do not contribute significantly to nonattainment or interfere with maintenance of the 2015 ozone standards in other states. These plans are due in

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October 2018, and EPA will work closely with states, including Wyoming, as this deadline approaches.

Regarding remaining issues with other NAAQS, the ozone air quality modeling shows that, with the Cross-State Air Pollution Rule Update ("CSAPR Update") in place, there would be no remaining nonattainment or maintenance areas in 2023 in relation to the 2008 Ozone NAAQS.

EPA will continue to work with Wyoming to fully address their good neighbor transport requirements for both the 2008 and the 2015 ozone NAAQS.

2. During the hearing, I asked you about 46 outstanding exceptional events filings from the State of Wyoming that EPA has yet to act on. As I mentioned during the hearing, I expressed my concern with EPA's decision not to act on these filings in 2016. Do you have a date by which EPA anticipates it will act on Wyoming's 46 petitions that I highlighted?

   In an April 2016 letter to the Wyoming Department of Environmental Quality (WDEQ) regarding exceptional event demonstrations for calendar years 2011-2014, EPA Region 8 communicated that its review of the demonstrations submitted indicated that, although the flagged PM and ozone data in the demonstrations may have been influenced by exceptional events, the data were not anticipated to be involved in any pending regulatory decision by the EPA. The status of this data has not changed. Therefore, consistent with the approach articulated in the proposed and finalized in the 2016 revisions to the Exceptional Events Rule, the EPA has not made a concurrence/nonconcurrence decision on the demonstrations submitted. However, as noted in the April 2016 letter, and as is the case with the deferred Wyoming demonstrations, if at some point in the future the flagged data were to potentially influence an attainment demonstration or be involved in other regulatory decisions, the EPA would then undertake a full review of the submitted demonstrations to allow a concurrence/nonconcurrence decision at that time.

   If an air agency submits a demonstration that the EPA has determined to not have regulatory significance, then the EPA may respond to the air agency with a notification of "deferral." Deferred demonstrations are considered to be "closed out" (i.e., no longer pending). The EPA considers the 46 demonstrations referenced in the April 2016 letter to be "closed out," unless the flagged data would influence a regulatory decision.

   EPA Region 8 met with Wyoming's Air Director and the Manager for the Air Quality Resource Management Program on February 28, 2018, to discuss options for addressing future potential exceptional events Wyoming flags that may not have a regulatory use at the time the event is flagged. Follow-up discussions will occur over the next several months.

3. As you know, the U.S. Army Corps of Engineers is the agency that makes the vast majority of jurisdictional determinations to identify waters that are regulated under the Clean Water Act. However, according to testimony before this Committee on April 26, 2017, the Corps was not included fully in the process of developing the 2015 Waters of the U.S. (WOTUS) rule.

   In fact, the Corps did not believe that the rule and preamble, as ultimately finalized, "were viable from a factual, scientific, analytical, or legal basis" and "it would be incredibly difficult for Corps leaders, regulatory and legal staff to advance and defend this rule…."

   How will you ensure adequate coordination occurs between the EPA and Corps of Engineers in developing future regulations to delineate the jurisdiction of the Clean Water Act?

   Close coordination between EPA and the Department of the Army is a priority as we work to develop the joint rulemaking. EPA and the Army Corps of Engineers are working closely to implement the Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The agencies' leadership and staff routinely meet and work products are developed jointly.

4. Last year, this Committee heard testimony about barriers under the Clean Air Act to the adoption of technologies that would reduce emissions and/or improve efficiency at power plants and other industrial facilities. Witnesses repeatedly stated that the New Source Review (NSR) program discouraged such projects. I am encouraged that both you and Bill Wehrum, Assistant Administrator for the Office of Air and Radiation, have identified NSR reform as a top priority for the Agency.

   What can this Committee – and Congress as a whole – do to assist you in these efforts and develop bipartisan support for reforms moving forward?

   At this time, EPA has not suggested specific legislative actions to reform the NSR program. However, EPA can provide technical assistance for any proposed legislative actions that the Committee develops. More broadly, the agency will continue to issue interpretive rules, guidance and policy memoranda, and, where appropriate, will conduct notice-and-comment rulemakings to reform NSR. These actions will provide increased regulatory certainty to covered entities encouraging investment in more efficient, environmentally beneficial technologies.

5. Last year, Congress passed the bipartisan Water Infrastructure for Improvements to the Nation (WIIN) Act. On September 14, 2017, EPA granted petitions to reconsider a final rule that regulates coal combustion residuals (CCR) as nonhazardous waste under the Resource Conservation and Recovery Act (RCRA). You stated the purpose of reconsideration is as follows: "In light of EPA's new statutory authority [under the WIIN Act], it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected."

   I support EPA's commitment to assure that the CCR rule provides adequate flexibility and authority to states. Does EPA have an anticipated timeline for completing this reconsideration so that states and regulated entities have maximum flexibility and regulatory certainty as soon as possible?

   Yes, the agency does have a timeline for completing its reconsideration of the CCR rule. On March 1, 2018, EPA signed a proposal that includes regulatory language for those provisions where, as a result of its reconsideration, EPA has preliminarily determined that regulatory changes may be appropriate and is seeking public comment on those proposed changes. EPA anticipates the proposal will be published in the Federal Register shortly. EPA further anticipates that it will complete its review of the remaining provisions under reconsideration, and, if it determines that regulatory changes are appropriate, will sign an additional proposal by September 30, 2018.

6. Over the last several years, increased efficiency of gas fueled vehicles and relatively low gas prices have led to fewer than projected consumer purchases of electric vehicles relative to gas fueled vehicles. Current data show how gas prices have been lower than projected in 2012 when vehicle standards were established by EPA and the Department of Transportation's (DOT) National Highway Traffic Safety Administration (NHTSA).

   In 2012, EPA issued standards for light-duty vehicles for MY 2017-2025, and committed to conduct a Midterm Evaluation (MTE) by April 1, 2018. I applaud the EPA's decision last year to reconsider the evaluation issued at the end of the last administration, which was issued under a rushed timeline and without adequate coordination with NHTSA. As you complete the MTE, will you commit to use the best available, current data and collaborate with NHTSA?

   In August 2017, EPA opened a 60-day comment period to allow stakeholders to submit any comments, data, or information they believe relevant to my reconsideration of the Final Determination. EPA also held a public hearing on September 6, 2017. EPA received more than 290,000 comments, and reviewed the new data and information, along with continued review of the body of research already in the record. My new decision on the Midterm Evaluation was signed on April 2, 2018. I found that the model year 2022-2025 greenhouse gas standards are

not appropriate in light of the record before EPA and, therefore, should be revised. I believe this decision was based on the best available data, and is a product of close coordination with NHTSA.

7. In 2016, the U.S. imported roughly 700 million gallons of biodiesel. Last year, EPA considered reducing the renewable fuel volume obligations (RVOs) for biomass-based diesel (BBD) for 2018 and 2019. EPA explained that it "could consider the availability of imports as one factor among others in determining whether to exercise its discretion to use the waiver authority." About the same time, the U.S. International Trade Commission imposed tariffs on imported biodiesel from Argentina and Indonesia. Imports of biodiesel from these two nations declined in 2017 and may decline further this year.
    a. How did EPA account for this foreseeable decrease in the supply of imported biodiesel when it set the 2019 RVOs for BBD?
    b. If U.S. BBD production does not materially increase in 2018, is EPA prepared to reduce the 2020 RVOs for BBD below 2019 levels? If not, why not?
    c. How does relying on imported biodiesel advance the Renewable Fuel Standard's purported objective of improving U.S. energy security?

Biodiesel and renewable diesel are both international markets. As such, any action, such as the tariffs mentioned, will have multiple ripple effects which may offset some or all of the direct impacts targeted. EPA has considered the uncertainty surrounding imported biofuel in setting the RFS standards. We also considered the potential for increased domestic production of biodiesel and renewable diesel, as well as increased imports from countries unaffected by the tariffs. Further, the BBD standard itself was not set at the limit of projected supply. In setting the volume target for BBD for 2019, EPA noted that the number of RINs anticipated to be available for compliance exceeded the volume required to meet the BBD standard. The advanced biofuel and total renewable fuel standards provide an incentive for additional biodiesel volume beyond what is required by the BBD standard. Specifically, while the 2019 BBD volume target was maintained at 2.1 billion gallons, we estimated that approximately 2.6 billion gallons would be used to meet the advanced biofuel standard. As it did in evaluating the 2018 advanced biofuel standard, EPA will assess the supply of imported biodiesel in setting the 2019 advanced biofuel and 2019 BBD percentage standards. EPA will conduct a similar analysis when determining the 2020 BBD volume target.

U.S. energy security includes a measure of the diversity of fuel sources as well as the geopolitical condition of the sources. Increasing diversity (such as through use of biofuels from a variety of countries) could reduce risks associated with a potential disruption of supply. Thus, while biofuel imports may not contribute to energy independence, they may still contribute to the energy security of the United States. The U.S. is also becoming more energy secure and independent due to more domestic oil production, including a 50 percent increase in U.S. crude oil production over the last decade.

8. On December 23, 2016, GE submitted a completion report showing that it had completed implementation of EPA's plan for the cleanup of PCBs from the Hudson River. At that time, GE asked EPA to certify that the project is complete,[1] in accordance with a 2005 Consent Decree signed by GE and the EPA.[2] In that Consent Decree, EPA agreed to grant a certification of completion within 1 year of GE's submission of the completion report.[3] That has since passed, but to date the agency has yet to make a decision on the certificate of completion. When do you expect the agency to make a decision on the certificate of completion?

   EPA provided GE with a response to its submission of the completion report within the agreed-upon timeframe, stating that the Agency is now carefully reviewing input provided by our state and federal partners at the end of 2017 regarding the Certification of Completion of the Remedial Action requested by GE. In addition, EPA recently began an analysis of sediment data collected by the New York State Department of Environmental Conservation (DEC) in late 2017, and we continue to consider the extensive input received from a wide range of stakeholders about the second Five-Year Review report, which was released for public comment in June 2017. EPA will continue to work with our colleagues at DEC in analyzing and reaching scientific consensus on the new sediment data. Therefore, EPA will not have a decision regarding the issuance of the Certificate of Completion of Remedial Action until the data from these samples have been fully analyzed.

   It is important to note that even if EPA certifies the Remedial Action to be completed, the cleanup will not be finished. In the Record of Decision, EPA projected that construction of the remedy (including dredging, backfilling, and habitat reconstruction) would be performed over six years, to be followed by decades of "monitored natural attenuation" or "MNA," during which PCBs remaining in the river after dredging would gradually decrease until the remedial goals are achieved. MNA is also part of the cleanup, and during the entire period of MNA, GE is required to perform "Operation, Maintenance and Monitoring" of the remedy, which includes an extensive program that includes monitoring of sediments, water quality and fish, as well as monitoring of the caps that were installed on portions of the river bottom, and repairing those caps should any

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[1] "EPA is currently reviewing GE's Remedial Action Completion Report, which the company submitted to EPA, the federal natural resource trustees and New York State in December 2016." Proposed Second Five Year Review Report (2017) at pg. 20 (https://www.epa.gov/sites/production/files/2017-06/documents/hudson_second_five-year_review_report.pdf)

[2] See Consent Decree (https://www3.epa.gov/hudson/consent_decree/consent_decree.pdf)

[3] Consent Decree (Pgs. 40-41): paragraph 57.b (GE GE "shall submit to EPA, for review and approval, a Remedial Action Report . . . request[ing] EPA's Certification of Completion of the Remedial Action"); 57.d ("If EPA concludes . . . that the Remedial Action has been performed in accordance with this Consent Decree, EPA will so certify in writing"); 57.e ("EPA will respond to such request [for Certification] no later than 365 days after EPA's receipt of the request")

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damage occur. Once all the work required by the consent decree is complete, the consent decree authorizes EPA to issue a further certification, known as a Certification of Completion of the Work. We do not anticipate issuing this certification before the remedial goals are achieved.

9. In December 2017, EPA announced "a cross-agency effort to address per and polyfluoroalkyl substances (PFAS)."
    a. Is EPA collaborating with other federal agencies, state agencies, or other stakeholders on this initiative? If so, how are these entities contributing to EPA's cross-agency effort?

       EPA is actively collaborating with other federal, state, and local communities to provide tools and technical assistance to communities that are addressing PFAS contamination. As part of this effort, EPA has begun working with states and other federal agencies to develop toxicity values for additional PFAS chemicals, develop new methods for sampling PFAS chemicals in the environment, and identify treatment techniques to remove PFAS in drinking water and other environmental media. EPA is also working with stakeholders to identify best practices and develop risk communication tools to assist states, tribes and local communities address concerns with PFAS in the environment. In addition, EPA continues to conduct research to develop additional technical tools that will be helpful as the agency works with its partners to address this important issue.

    b. Will EPA provide the public with updates on EPA's progress and an opportunity to comment on EPA's work? If so, when do you anticipate this taking place?

       Yes, EPA will continue engaging with a broad set of stakeholders, including states and local communities. To date, EPA's communication efforts have included, but not limited to EPA's website (www.epa.gov/pfas), EPA hosted webinars, organizational meetings (for example the Spring 2018 Environmental Council of the States (ECOS) Meeting in March 2018), and community meetings in PFAS-impacted areas. EPA will provide additional engagement opportunities throughout the coming year.

    c. How will EPA's cross-agency effort help inform ongoing and future state and local efforts to address PFAS?

       EPA has brought together expertise from across the agency including top scientists from EPA's air, chemicals, land, research, and water offices. In addition to a cross-program effort, the agency has also tapped its regional offices to enhance cooperation with partners at the state and local levels and to provide on-the-ground knowledge about specific issues to address PFAS nationwide. By integrating cross-media expertise and experiences, EPA's

PFAS team is well positioned to support and work side-by-side with our state, local and tribal partners to address state and local PFAS efforts.

Ranking Member Carper:

10. EPA's February 1, 2018 Report to Congress on the Integrated Risk Information System (IRIS) states that EPA has already contracted with the National Academy of Sciences for peer review of the formaldehyde human health assessment.
    a. I have been informed that the human health assessment for formaldehyde was completed by IRIS staff months ago. Is that accurate?

       The National Academy of Science (NAS) identified numerous significant recommendations for improving the science that underlies the formaldehyde IRIS assessment. As noted by EPA staff during the February 2018 NAS workshop to review advances made to the IRIS process, the Agency is working to fully implement the NAS recommendation in all IRIS assessments released moving forward.

    b. If so, why has the health assessment not yet been released i) for intra-agency review, ii) inter-agency peer review, iii) for public comment and iv) to the NAS for peer review, and when will each such step occur?

       EPA is committed to ensuring that the IRIS program provides high-quality assessments that adhere to the highest standards of scientific review. Prior to releasing any assessment, EPA NCEA conducts a rigorous and robust review process to ensure that Agency decisions to protect human health are based on high quality science.

    c. If not, please describe precisely what work remains to be completed before each step described above can occur, along with time estimates for each step.

       The Agency is moving away from a "one-size-fits-all" approach to hazard assessment towards assessment products that meet specific decision contexts. As such, any assessment will be evaluated to ensure that it can adequately meet Agency needs and support regulatory priorities in a timely manner.

    d. Please provide me with an un-redacted copy of the current draft of the IRIS human health assessment for formaldehyde.

       The Agency does not release any products that have not undergone proper quality review.

11. From January 20, 2017 until the present, please provide information regarding all meetings (including conference calls) related to the formaldehyde human health assessment, including the date, attendee names (and for non-EPA employees, their affiliations) and copies of any materials prepared for or obtained from each such meeting. Please also provide the same information for meetings EPA staff may have attended related to formaldehyde more generally.

    We are working to gather this information with regard to ORD's external meetings and will provide this information to you as soon as possible.

12. The Report to Congress states that the IRIS staff have operationalized the "systematic review" process used to determine which and how scientific studies can be relied upon to inform IRIS assessments.
    a. Please provide me with a copy of the document that captures these revisions.

       An overview of how the IRIS Program is operationalizing systematic review is described in a memo from the IRIS director, provided here (http://ofmpub.epa.gov/eims/eimscomm.getfile?p_download_id=534484). Additional information on how the IRIS Program is implementing and applying systematic review was presented at the NAS meeting in early February. Copies of presentations at that meeting are included here: http://nas-sites.org/dels/events/review-of-advances-made-to-the-iris-process-a-workshop/.

    b. Please additionally provide a copy of the document that describes the EPA Office of Chemical Safety and Pollution Prevention "fit for purpose" systematic review process that is referenced on page 19 of the December 12, 2017 EPA document entitled "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential[4]."

       OCSPP does not have a document on systematic review. Per the referenced page 19 of the "Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential" document, "consistent with NRC's recommendations, EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) is *currently developing* systematic review policies and procedures."

       NRC's 2009 report on *The Silver Book: Science and Decisions* recommended the use of a framework that "maximizes the utility of risk assessment," with a focus on assuring that risk assessments are well-tailored to the problems and decisions at hand so that they can inform the decision-making process most meaningfully. In response to this report, in 2014 EPA published the Human Health Risk Assessment Framework. OCSPP ensures that our approaches are consistent with the EPA framework, which discusses the need for fit for purpose evaluations. Problem formulation entails an initial dialogue between

[4] https://www.epa.gov/sites/production/files/2017-12/documents/revised_glyphosate_issue_paper_evaluation_of_carcinogenic_potential.pdf

scientists and risk managers and provides the regulatory context for the scientific analysis and helps define the scope of an analysis. The problem formulation stage involves consideration of the available information along with key gaps in data or scientific information. As such, the complexity and scope of systematic reviews will vary depending on the different risk management and statutory requirements and responsibilities of OCSPP. In other words, an OCSPP systematic review is conducted as "fit-for-purpose" based on the pre-determined scope and purpose determined from problem formulation.

13. Please describe the timeline and full scope of the NAS review of the IRIS program described in the Report to Congress. Will the IRIS program's new "systematic review" process be included in the scope, and if not, why not?

    The NAS "Review of Advances Made to the IRIS Process" will assess changes that have been implemented or that are planned to be implemented by the EPA in response to recommendations made in previous NAS reports (2011 and 2014). The primary focus of these reports was on the adaptation and implementation of systematic review principles to the IRIS assessment development process. The systematic review process, as applied in the IRIS Program, was described to the NAS committee during a 1.5 day workshop held February 1-2, 2018, included presentations and interactive sessions, and provided multiple opportunities for stakeholder input. The scope of the NAS review, as well as all NAS meeting summaries on this project, can be found on the NAS website http://www8.nationalacademies.org/cp/projectview.aspx?key=49904.

14. When Congress was negotiating the final text of the Toxic Substances Control Act (TSCA), EPA came to Congress and asked for specific provisions that would allow the agency to move forward with bans for some uses of three highly toxic chemicals. Congress agreed, and that language was included in the final law. One of those chemicals, a paint stripper called methylene chloride, is so dangerous that it has killed dozens of people, even when they were wearing protective gear. EPA proposed rules banning these chemicals more than a year ago. But more recent reports indicate that EPA may delay action on the uses of these chemicals for several more years, which almost certainly will mean that more people will get sick and probably some of them will die. When I asked you during the hearing whether you would commit to finalizing these bans within thirty days, you stated that "It's my understanding that is actually on the priority list as far as the chemicals that are we reviewing. TCE and others. So that is something that I will clarify and confirm with the agency. But that was my understanding." I believe you may have been referring to the *remaining* uses of these chemicals (i.e.the uses of the chemicals that are not covered by the proposed bans), which are on EPA's priority list for the first ten chemicals slated for review under TSCA. I was referring to the uses of these chemicals that EPA has *already* proposed to ban. Please provide the specific dates by which each of these proposed bans will be finalized.

Under TSCA Section 6(a), regulation of certain uses of methylene chloride, NMP, and TCE were proposed in 2016 and 2017. The agency is currently considering the comments received, including comments suggesting that EPA quickly finalize these actions and comments suggesting that these actions be evaluated as part of the group of the first ten chemicals undergoing initial risk evaluations under the amendments to TSCA.

15. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must provide "adequate notice" when "substantially modifying, or terminating significant information dissemination products." On April 28, 2017, EPA removed the vast majority – thousands of pages – of its climate change websites, and it appears that EPA did not provide the public an opportunity to comment or express its concerns.
    a. Please describe the "adequate notice" that you issued to the public prior to making any changes to the website, as required by the Paperwork Reduction Act. Please provide supporting documents, including documents memorializing the notice.

       EPA is continually making changes to its website and other digital information resources to reflect and support the agency's current priorities and work. When we move information from our main portal, www.epa.gov, the majority of the time we make sure it is still available to the public via our archive website, https://archive.epa.gov/. In addition, because of the public concern about access to information on our website last year, as well as the receipt of a number of FOIA requests for access to information, we created a snapshot website that contains the content that was on our main portal on January 12, 2017. The snapshot website can be searched here: https://19january2017snapshot.epa.gov/.

    b. Please provide a list of webpages (and a description of the information that was contained on each one) that were eliminated from the EPA website in 2017.

       According to our available data sources, 2,224 pages were archived from www.epa.gov in 2017, representing about 3.5% of our www.epa.gov content. This response is limited to the primary public www.epa.gov webserver, but not other program-specific websites. These pages were unpublished due to:

       - **regular website maintenance,**
       - **content was superseded and replaced with newer information on the topic,**
       - **content was duplicative or no longer relevant,**
       - **comment period closed on Public Notices, and**
       - **various other quality assurance reasons.**

       This content is still in our Web Content Management.

16. On March 24, 2017, you issued an agency-wide memorandum[5] on implementation of Executive Order 13777[6], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[7]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

       Ryan Jackson – Chief of Staff, Office of the Administrator
       Byron Brown – Deputy Chief of Staff for Policy, Office of the Administrator
       Brittany Bolen – Acting Associate Administrator, Office of Policy
       Samantha Dravis – formerly Senior Counsel and Associate Administrator, Office of Policy

       All members of EPA's Regulatory Reform Task Force have been members during their employment at the Agency since Administrator Pruitt established the Task Force in a memorandum dated March 24, 2017.

    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

       The Task Force has been informed by the thousands of public comments received in response to EPA's request for input on regulations that may be appropriate for repeal, replacement, or modification, per EO 13777.

[5] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[6] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[7] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

In implementing EO 13777, EPA hosted a series of public meetings and teleconferences to inform the Regulatory Reform Task Force. Information on these public meetings and teleconferences, including agendas, is accessible through EPA's Regulatory Reform webpage: https://www.epa.gov/laws-regulations/regulatory-reform.

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

A Comprehensive search could not be performed by the submission of this document.

17. The Freedom of Information Act (FOIA) requires agencies to respond to a FOIA request within 20 days of receipt of the request. Although agencies are given some latitude to extend the response timeline in light of "unusual circumstances," EPA's failure to meet the deadlines specified in the Act has resulted in many FOIA requests left unanswered. That, in turn, has led to lawsuits against EPA for failure to meet the FOIA timeline.
    a. EPA currently submits open FOIA request logs to the Committee on a monthly basis, pursuant to an oversight letter sent to EPA on March 17, 2017. Beginning on the date of your next log submission, please also provide the number of currently open FOIA requests, the number of lawsuits that have been filed due to EPA's failure to comply with FOIA's deadlines, the number of FOIA lawsuits that have been completed, the number of lawsuits resulting in EPA providing the requested documents, and the cost of each lawsuit to the taxpayer.

    Monthly EPA posts on its web site a list of all FOIA request that were pending at the end of the previous month and the status of all FOIA request that were submitted during the previous month. This information can be found, respectively, at https://www.epa.gov/foia/all-foia-requests-pending-month and at https://www.epa.gov/foia/all-foia-requests-received-month. Regarding your request for information concerning the Agency's FOIA litigation, EPA currently has approximately 55 pending FOIA cases, about 45 of which allege that EPA did not complete its response to the FOIA request within the statutory timeframe.

b. Does EPA follow the "rule of three,[8]" which calls on agencies to post frequently requested records to its public website? If so, please identify where those records are posted. If not, please explain why not.

It is EPA's Policy to make all records released in response to a FOIA request available to the public, even if there is only one request for that information. EPA has released over one million records, through FOIAonline, since October 1, 2012. The one exception to this rule is first party FOIA requests. A first party FOIA request is one where a requester is asking for records about themselves.

c. Please provide any internal EPA guidance that exists on the use of FOIA redactions. Please provide documents confirming that staff responsible for redacting documents have received the appropriate training.

All EPA staff are required to take annual FOIA training. EPA's FY 2018 FOIA training is focused on the use of FOIA exemptions. In September 2017, the National FOIA Program, working with the Office of General Counsel, offered a multi-day training session on FOIA. The training covered the lifecycle of a FOIA. Over 170 FOIA professionals from throughout the Agency attended the training. Among other things, the training addressed use of Exemptions 4, 5 and 6.

18. During the hearing Senator Duckworth asked for "a detailed schedule of your meetings and receipts for international travel you have taken since being confirmed." You agreed to provide those documents. Since then, a report[9] detailed tax-payer funded travel you took internationally and domestically that included first-class tickets on commercial flights as well as travel on military jets. For each flight, international or domestic, that you have taken since you were confirmed, please provide the following information:
    a. Date of the flight, the departure city and airport, and destination city.
    b. Class (e.g. coach, business class, first class, or some other class of travel) and cost of the ticket.
    c. Source of funding for the ticket (e.g. federal taxpayers, the State of North Dakota, Heritage Foundation).
    d. For each non-commercial flight, please explain why a non-commercial flight was selected.
    e. Names of staffers who accompanied you on each trip, the cost of their flights, classes of their tickets, and the sources of funding for their tickets.
    f. Copies of all receipts of air travel for you and your accompanying staff.
    g. For any ticket issued to you or your accompanying staff that was not a coach-class ticket (or its equivalent), please explain why it was necessary to purchase that class of ticket.

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[8] https://www.justice.gov/oip/oip-guidance/proactive_disclosure_of_non-exempt_information

[9] https://www.washingtonpost.com/national/health-science/first-class-travel-distinguishes-scott-pruitts-epa-tenure/2018/02/11/5bb89afc-0b7d-11e8-8b0d-891602206fb7_story.html?utm_term=.4c0713143235

A Comprehensive search could not be performed by the submission of this document.

19. During the House Energy & Commerce subcommittee hearing on December 7, 2017, you testified that particulate matter is a "very important criteria pollutant" that should be regulated under the National Ambient Air Quality Standards (NAAQS) program. One study[10] found that PM2.5 "was the fifth-ranking mortality risk factor in 2015," and contributes to nearly 90,000 deaths in the US every year.[11]
    a. Do you agree with the general conclusion from this analysis that PM2.5 presents a serious public health concern? If not, please provide supporting evidence, including any research or analysis EPA has conducted, that supports your position.
    b. Please provide documentation supporting any analysis you have done to calculate the amount of PM2.5 pollution that will be created as a result of your actions to reverse, delay, or modify the Clean Power Plan, methane, and the Glider Kit rules. Please state whether you attempted to calculate the adverse human health effects that will be caused by your changes to the rules mentioned above.
    c. Do you think there is a tolerable level of PM2.5 that is appropriate for human exposure? If so, please specify it, and explain what evidence you have to support this.
    d. Are you aware that a study conducted by Tom Brewer at Tennessee Tech University determining that trucks outfitted with glider kits are as clean as new diesel truck engines is now under investigation for "misconduct in research" by Tennessee Tech University?[12] This is the same study that was included in the glider industry's petition asking the EPA to repeal emission requirement for glider kits and cited in the EPA's November 16, 2017 proposal to repeal the Emission Requirements for Glider Vehicles, Glider Engines, and Glider Kits. Please describe how you plan to re-assess EPA's November 16, 2017 proposal in light of the potential misconduct associated with this study. If no such plans exist, why not?

Particulate matter (PM), also known as particle pollution, is a complex mixture of extremely small particles and liquid droplets in the air. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. The Clean Air Act requires EPA to review the NAAQS and their scientific basis at least every five years to determine whether standards are requisite to protect public health, with an adequate margin of safety. The fine PM NAAQS was last reviewed and revised in 2012. As part of that process, EPA developed an Integrated Science Assessment to

[10] https://www.ncbi.nlm.nih.gov/pubmed/28408086
[11] "Estimates and 25-year trends of the global burden of disease attributable to ambient air pollution: an analysis of data from the Global Burden of Diseases Study 2015." See Table 2.
[12] http://herald-citizen.com/stories/ttu-investigating-fitzgerald-study,25943

summarize the science related to the health and ecological effects. This most recent assessment, released in December 2009, can be found on EPA's website at: https://www.epa.gov/isa/integrated-science-assessment-isa-particulate-matter.

The "Regulatory Impact Analysis for the Review of the Clean Power Plan: Proposal" presents analysis of the forgone social benefits of changes in non-CO2 emissions from the electricity sector in Section 3.4 (pages 42-55) and Section 7.5 (pages 122-124). For the 2016 oil and gas rule, EPA did not monetize changes in PM2.5 emissions or concentrations.

With respect to gliders, the agency is currently reviewing the comments submitted on the proposed rule and is evaluating next steps. Similarly, although the recent NPRM cited the Tennessee Tech University study, we referenced the study in our proposal but did not rely on it for our decision making.

20. In response to questions from Chairman Barrasso regarding the implementation of the 2015 National Ambient Air Quality Standard (NAAQS) for ground-level ozone, you commented that the EPA was "in the process of designating attainment and non-attainment [areas] with respect to ozone." You went on to state, "when you think about ozone, there has been a lot of focus on whether the parts per billion, 75 parts per billion, reducing it to 70 parts per billion, was a wise decision. That has not been our focus. Our focus has been on more the issues and implementation that you have raised."
    a. Do you agree with EPA's conclusion in 2015 that the primary NAAQS standard for ground-level ozone should be set at a level of 0.070 parts per million (ppm) to protect health with an adequate margin of safety? If not, why not?
    b. Do you agree with the underlying science data for the 2015 NAAQS for ground-level ozone that finds ambient ground-level ozone pollution above 0.070 ppm can trigger asthma attacks in children that have asthma? If not, why not?
    c. Do you agree with EPA's assessment that once implemented, the public health benefits from the 2015 NAAQS for ground-level ozone will outweigh the costs? If not, why not?
    d. Will you confirm that under your leadership, the EPA will not weaken the 2015 primary NAAQS standard for ground-level ozone set at 0.070 parts ppm?

As previously stated, EPA's recent focus for the 2015 Ozone NAAQS has been on resolving implementation issues.

21. Under Clean Air Act section 111, can EPA base emissions guidelines on a "best system of emission reduction," if application of the measures comprising that best system of emission reduction would result in a source increasing total emissions of the regulated pollutant? Why or why not?

Traditionally NSPS standards have been sent as rate-based standards rather than total mass based standards and have not constrained overall emissions.

22. In determining the "best system of emission reduction" under Clean Air Act section 111, do you believe that EPA must consider the degree of air pollution reductions achieved? Why or why not?

While emission reductions are one element relevant to evaluating BSER, EPA anticipates that it will be receiving comments on this issue in connection with its current regulatory actions on the Clean Power Plan.

23. The 2009 Cause or Contribute Finding concluded that the combined emissions from new motor vehicles and new motor vehicle engines of six key well-mixed greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, "GHGs")—contribute to greenhouse gas pollution that threatens public health and welfare. At the time, EPA cited data showing that in 2007, source categories regulated under CAA section 202(a) accounted for 23.3% of domestic GHG emissions, and the electricity sector accounted for 34.2% of domestic GHG emissions.[13] Do GHG emissions from the electricity sector cause or contribute significantly to greenhouse gas emissions that can reasonably be anticipated to endanger public health or welfare? If not, why not?

To date, EPA has relied on the endangerment finding that it had previously made under CAA section 202(a)(1) with respect to GHG emissions from new motor vehicles for its decision to establish standards of performance for GHG emissions from Electric Generating Units (EGUs). In particular, EPA has asserted the 2009 finding as providing a ''rational basis'' for regulating GHG emissions from EGUs.

24. Do any parts of the Clean Air Act authorize EPA to decline to set 111 standards (or emission guidelines) for GHGs from stationary sources if there is an Endangerment Finding for GHGs entirely? If so, please specify them.

Section 111(b)(1)(A) of the Clean Air Act states the Administrator shall include a category of sources if in the Administrator's judgment it causes, or contributes significantly to, air pollution which may be reasonably be anticipated to endanger public health and welfare.

25. According to the most recent National Climate Assessment (NCA) released by the Trump Administration, climate change caused by emissions of heat-trapping gases "outweigh[s] other factors in determining burned area in the western U.S. from 1916 to 2003, a finding confirmed by 3000-year long reconstructions of southwestern fire history."[14] According

[13] *See* 74 Fed. Reg. 66496, 66540 tbl.2 (Dec. 15, 2009).
[14] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.

to the NCA, "Numerous fire models project more wildfires as climate change continues," including "up to a 74% increase in burden area in California, with northern California potentially experiencing a doubling under a high emissions scenario toward the end of the century."[15] The NCA calls conifer forests in southern California "notably threatened" by the climate change caused by heat-trapping gases. According to the Trump Administration's NCA, California is also at extraordinary risk from seal-level rise and coastal damage. Without adaptive action, the Trump Administration expects that critical California infrastructure such as the San Francisco and Oakland airports "are at increased risk of flooding with a 16-inch rise in sea level in the next 50 years . . . ." Increasingly high numbers of Californians will be put at risk of flood, including highly vulnerable populations less able to prepare, respond, or recover from natural disaster. On an even more fundamental level, emissions of these heat-trapping gases pose an exceptionally high risk to the highly urbanized population of California due to increasing urban heat. According to the Trump Administration, heat stress has been the leading weather-related cause of death in the United States since 1986 (when record-keeping began).[16] Severe heat waves such as the 10-day California heat wave of 2006 trigger "escalating effects" that kill people, particularly the elderly and those in low-income communities. Heat waves can also cause respiratory stress by expediting chemical reactions that cause the formation of ground-level ozone.

a. Do you agree that emissions of heat-trapping greenhouse gases cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not, including whether you either i) do not accept the findings of the Trump Administration's NCA or ii) do not believe the impacts to California described in the NCA are compelling or extraordinary.
b. Do you agree that emissions of greenhouse gases from motor vehicles cause compelling and extraordinary harm to the people and environment of California? If not, please explain why not.

While there has been extensive research and a host of published reports regarding climate change, our understanding of the role of human activity is still improving. As an environmental regulator it is important for the agency to strive for a better understanding of the role of human activity with respect to climate change given the potentially significant influence on our country's domestic economic viability when protecting the environment.

26. Please list each of the meetings that Administrator Pruitt, Assistant Administrator Wehrum, David Harlow or other EPA political staff (including EPA transition team officials) have held with outside entities, since January 20, 2017, on the topic of changes or "reforms" to the New Source Review or Prevention of Significant Deterioration requirements under the Clean Air Act. Please provide all documents received from outside entities, as well as any email correspondence between EPA employees and outside entities, on this topic, since January 20, 2017.

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[15] NCA at p. 468, *available at* http://s3.amazonaws.com/nca2014/high/NCA3_Climate_Change_Impacts_in_the_United%20States_HighRes.pdf.
[16] NCA at 471.

This request is also the subject of ongoing FOIA requests. The agency is in the process of responding to those requests and will provide the information to the committee in a timely manner. In the interim, the Administrator's and Assistant Administrator's calendars are publically available at https://www.epa.gov/senior-leaders-calendars.

27. Please explain in detail how the policy options in the December 18, 2017 Advance Notice of Proposed Rulemaking regarding future rulemaking to reduce existing power plant greenhouse gas emissions would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.

    The Advance Notice of Proposed Rulemaking on State Guidelines for Greenhouse Gas Emissions from Existing Sources (ANPRM) does not present specific policy options. Rather, the ANPRM solicits information from the public about a potential future rulemaking. As you are aware, the comment period closed on February 26, 2018. The agency has begun review of all comments that will inform any next steps to ensure that in any potential new proposed rule, benefits and costs will be appropriately analyzed.

28. In President Trump's June 1, 2017 statement announcing the United States would be withdrawing from the Paris Climate Accord, President Trump highlighted two studies - economic analysis from the National Economic Research Associates and a climate science study from MIT. These same studies were included in White House materials.
    a. Did you, or any other EPA political staff, provide White House staff or the President information on these two studies?
    b. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to the Paris Climate Accord.

    A Comprehensive search could not be performed by the submission of this document.

29. How many facilities subjected to MACT standards are also subjected to Reasonably Available Control Technology (RACT) standards that are more stringent or the same requirements for volatile organic compounds? Are there some parts of the country that are not subject to RACT controls for volatile organic compounds? If so, please list those areas.

The EPA has not performed a source-by-source comparison of MACT and RACT standards where both apply. The RACT standards are established by states, not by EPA, and there is enough flexibility in the Clean Air Act in how a state may establish a RACT standard that there is no expectation of uniformity between the level of control or specific sources covered in different states. Specific to the ozone NAAQS program, EPA has established "presumptive RACT" for the key VOC emissions points present in about 44 source categories through the issuance of Control Techniques Guidelines (CTG). CTGs provide guidance for states and do not dictate a source-specific outcome. States that contain certain ozone nonattainment areas and states in the Ozone Transport Region are reqired to submit a revision to new CTGs.

30. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal.
    a. How many coal mines have closed or gone bankrupt since you became EPA Administrator?

       The Agency does not maintain this data.

    b. Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

       EPA has not published any estimates of regulatory impacts on individual coal mining or coal-fired power plants. EPA has not yet prepared any estimates of the impacts on coal mining or coal-fired plants related to the proposed repeal of the Clean Power Plan. The coal impact analysis in the proposed repeal RIA was limited to presenting the coal impact analysis in the final RIA for the CPP promulgation in 2015. EPA's analyses of particular regulations affecting coal mines and coal-fired power plants do not estimate impacts on individual mines or specific power plants. EPA committed to evaluate the employment impacts of actions under the Clean Air Act within EPA's Final Report of Agency Actions that Potentially Safe, Efficient Development of Domestic Energy Resources under Executive Order 13783 (https://www.epa.gov/sites/production/files/2017-10/documents/eo-13783-final-report-10-25-2017.pdf).

31. I remain concerned about the volatility in the Renewable Fuel Standard (RFS) compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market and the impacts that RIN market manipulation is having on the economic stability of East Coast refineries.

a. Currently, the EPA has a Memorandum of Understanding with the Commodity Futures Trading Commission (CFTC) on RIN market manipulation. In the past year, how often has EPA staff communicated with the CFTC on RIN market manipulation and what have you and your staff done with the CFTC to assess potential RIN market manipulation?

Under the MOU, CFTC looked into a claim by the Renewable Fuels Association (RFA). RFA asserted that some participants in the RIN market may have deliberately driven up RIN prices during a certain period to disrupt the RIN market, in order to support political gains to repeal/reform the RFS program. The RFA letter, dated August 31, 2016 was sent to both CFTC and EPA. To assist CFTC, the EPA provided RIN data from January 2010 to August 2016. CFTC reviewed this data and as noted by the CFTC Chairman Chris Giancarlo in his testimony to U.S. Senate Agricultural Committee on February 15, 2018 that CFTC did not find misbehavior in the market. Given EPA's market oversight limitations, we intend to pursue continued collaboration with CFTC under the MOU.

b. In my conversations with CFTC officials, they indicate that you have not asked them to do much in assessing RIN market manipulation and suggested EPA is not collecting the right type of information to be able to assess potential manipulation. Why haven't you asked the CFTC to do more to help EPA prevent potential RIN market manipulation?

EPA is always looking for ways to improve implementation and transparency of the program, while balancing resource needs and our duty to protect confidential business information as required by our regulations. EPA will continue to work with CFTC and seek to utilize their market oversight expertise and authority.

c. I have asked the Federal Trade Commission (FTC) staff to offer their expertise to your staff. Has anyone at the EPA talked to FTC staff about ways the FTC can be helpful? Have you considered establishing a Memorandum of Understanding with the FTC to assist with RIN market manipulation?

On February 8, 2018, EPA and FTC held a meeting to initiate dialogue on this matter. On the call, the FTC discussed their authority and expertise, which are largely focused on investigating fraudulent reporting of information to governmental agencies and other acts with intent to deceive or gain advantage in market. FTC further differentiated their role compared to CFTC, who has authority to investigate participant behavior and market trends to identify potential market manipulation. EPA and FTC did not specifically discuss establishing an MOU, but did exchange information to facilitate future discussions.

d. Will you commit to working with my staff to do more to address market manipulation in the RIN market?

Although the EPA has not seen evidence of manipulation in the RIN market, EPA is not a commodity market regulatory agency, and thus we do not have expertise in this field. EPA has not EPA's authority and function is to implement the RFS program and address fraud in the program. For example, since 2013, over two dozen individual defendants have been sentenced for RFS related crimes and have received a combined total of over 168 years of incarceration and ordered to pay over $400 million in fines and restitution. Restitution in these cases and the tens of millions of dollars forfeited since have been restored to victims of RFS fraud. Claims of market manipulation prompted EPA to execute a memorandum of understanding (MOU) with the U.S. Commodity Futures Trading Commission (CFTC), who has the authority and expertise to investigate such claims.

e. Will you commit to implementing the RFS fairly in a way that ensures an even playing field among obligated parties?

Yes, EPA is committed to ensure an even playing field among all the parties participating in the RFS program. In fact, to protect the program's integrity and maintain a level playing field for regulated companies, EPA has pursued civil enforcement actions against renewable fuel producers, importers, and exporters that generated invalid RINs. In addition, since 2013, over two dozen individual defendants have been sentenced for RFS related crimes and ordered to pay over $400 million in fines and restitution. Restitution in these cases and the tens of millions of dollars forfeited have been since restored to victims of RFS fraud.

32. Under the Renewable Fuel Standard (RFS), biogas-generated electricity used to charge electric vehicles (EVs) is already an approved pathway and is eligible for the generation of cellulosic Renewable Identification Numbers (RINs). Applications for this pathway were submitted over a year and a half ago. Will you commit to approving an application for this pathway in the next 60 days?

In 2016, EPA proposed the Renewable Enhancement and Growth Support (REGS) Rule and identified a number of significant policy questions raised by different approaches to capturing RINs from renewable electricity used to charge electric vehicles. Since the REGS proposed rule comment period closed, OAR staff have been going through the many comments received, evaluating various conflicting implementation approaches raised in the comments, and exploring options for the complex issues associated with implementing the electric pathway. We continue to work towards a final decision on these important issues, which are a requisite before any final decisions on pending applications can be made.

33. Aside from the type of water identified in *SWANCC v. Army Corps of Engineers*, which have no significant connection at all to navigable-in-fact waters, are there any categories of water bodies that you believe have such an insignificant relationship to navigable-in-fact waters that discharges into them should be exempt from the Clean Water Act? In those cases, would the federal Clean Water Act allow discharges of unlimited quantities of toxic poisons into those waterbodies, even if a portion of those poisons eventually flowed downstream to navigable-in-fact waters?

    The scope of Clean Water Act jurisdiction under future regulation is currently under development. EPA and the Army have conducted and will continue to conduct a transparent and robust public engagement process, meeting and listening to stakeholders prior to issuing a proposal. EPA and the Department of the Army are currently considering suggestions from states, local government, tribes, and other stakeholders about which waters should be jurisdictional under the Clean Water Act and which should not.

34. The Obama Administration implemented its definition of "Waters of the United States" for several weeks in 2015. Has the EPA conducted any analysis of how easy or difficult it was to administer the Rule during that time? If not, why have you not conducted that analysis?

    The EPA did not conduct an analysis of the administration of the 2015 Clean Water Rule during the approximately six weeks that it was in effect in 37 states. The Army Corps of Engineers has the day-to-day responsibility for conducting jurisdictional determinations with respect to the permitting program under section 404 of the Clean Water Act.

35. In an interview with the National Cattlemen's Beef Association, you said that, "The Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being a puddle …"[17] The Obama Administration rule expressly exempts "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(4)(vii).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

[17] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=yTVd54WyhDQ.

Much of the concern raised about the 2015 Clean Water Rule focused on lack of clarity, uncertainty, and confusion in the implementation of this rule. While the Rule did exclude "puddles" from regulation, the Rule did not define the term. Many stakeholders expressed concern that the agencies would regulate features such as wet spots and tire ruts in farm fields because such features were not expressly as "puddles." clarity and predictability are among the critical goals of the current rulemaking effort.

36. You also stated that the Obama Administration reimagined their authority under the Clean Water Act and defined a 'water of the United States' as being . . . ephemeral drainage ditches."[18] The Obama Administration rule expressly exempts "[d]itches with ephemeral flow that are not a relocated tributary or excavated in a tributary" "puddles" from the definition of "waters of the United States?" *See* 33 C.F.R. §328.3(b)(3)(i).
    a. If you were previously aware of this exemption, why have you repeatedly mischaracterized the rule?
    b. If you were not previously aware of this exemption, do you retract your statement? If you will not retract your statement, please explain why.

The 2015 Clean Water Rule would regulate ephemeral drainage ditches that are a relocated tributary or excavated in a tributary.

37. What specific provision of the Clean Water Act or Administrative Procedure Act gives EPA the authority to alter compliance dates, not merely effective dates, for standards lawfully promulgated under 33 USC 1311(b)(2)?

EPA promulgated the 2015 Steam Electric ELG Rule pursuant to its legal authorities under the CWA, particularly sections 301(b), 304(b), 306, and 307(b) and (c) of the Act. Together, Sections 301(b) and 304(b) authorize EPA to establish effluent limitations guidelines based on Best Available Technology Economically Achievable. Section 306 authorizes EPA to establish Standards of Performance for New Sources, and Sections 304(b) and (c) authorize EPA to establish pretreatment standards for new and existing sources. Moreover, Section 304(m)(1)(A) and 301(d) authorize EPA to review its pretreatment standards for possible revision every year. EPA's authority for the Postponement Rule rests upon the same authorities as the 2015 Steam Electric ELG Rule and that meet the definition of "tributary" set forth in the rule.

[18] "EPA Administrator Scott Pruitt Urges Ranchers to File WOTUS Comments," https://www.youtube.com/watch?v=yTVd54WyhDQ.

38. The Clean Water Act prohibits compliance dates that extend more than three years from the issuance of new effluent guidelines (EGs). In what specific statutory provision did Congress allow EPA to flout that requirement by postponing until 2020 the compliance deadline of an EG issued in 2015?

The statutory provisions in Section 301 requiring that effluent limitations be achieved no later than three years after promulgation, and in no case later than March 31, 1989, CWA section 301(b)(2)(C)-(F), could be read to apply only to BAT effluent limitations promulgated before 1989, with the statute being silent with regards to BAT effluent limitations promulgated thereafter. The statute also contemplates periodic review and revision of those guidelines, and implements those provisions through its CWA section 304(m) process. But the statute is silent about the deadline for effluent limitations and standards derived after 1989.

39. EPA explained that it is delaying the compliance deadlines of the steam electric power generating EGs because of costs to regulated industry. However, EPA estimated only 28% of coal-burning plants—and only approximately 12% of power plants overall—would incur any costs from the rule at all. Even among that small subset, almost all of those plants would incur costs less than 1% of the company's revenue.
    a. Do you disagree with those figures? If so, explain your disagreement.
    b. To what extent did you consider the EG's extensive public health benefits when deciding to delay the compliance deadlines?
    c. Do you believe that the incremental costs to industry outweighed the public health and environmental benefits of the EGs? If so, explain why.

EPA is currently collecting additional data on such things as changes that have taken place in the industry subsequent to the analysis supporting the 2015 Rule as part of its commitment to reconsider the technology bases of the new more stringent limits on the flue gas desulfurization (FGD) and bottom ash waste streams that were established in the 2015 Rule.

Extensive consideration was given to estimated public health benefits of the 2015 Rule, as well as the costs, and regulatory options. Petitioners raised serious concerns about the costs and impacts of the 2015 Rule. After considering those concerns, as well as public comment in response to EPA's June 2017 proposed rule to postpone certain compliance dates, EPA finalized a rule in September 2017 postponing certain 2015 Rule compliance dates, and announced EPA's intention to conduct a subsequent rulemaking potentially revising the limits for those wastestreams for which the compliance dates were postponed. EPA's action to postpone those compliance dates in the 2015 Rule was intended to preserve the status quo for FGD wastewater and bottom ash transport water while EPA completes its next rulemaking.

EPA acknowledges that postponement of the compliance dates may lead to a delay in the accrual of some of the benefits attributable to the 2015 Rule. The 2015 Rule assumed that steam electric plants would comply with the new, more stringent requirements no later than 2023, including implementation of new control technologies over a five-year compliance period, according to their permit renewal schedule. However, if EPA did not postpone the compliance dates, industry would likely incur these costs, irrespective of what EPA determines as the final limits for FGD wastewater and bottom ash transport water. EPA determined that the estimated foregone costs to industry warrant the postponement of compliance dates in the 2015 Rule.

40. The Safe Drinking Water Act permits EPA to "fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws." 42 U.S. Code § 300j–10. These appointments may be made where the Administrator deems such action necessary to the discharge of his functions as they relate to Title XII of the Public Health Service Act (42 U.S.C. 300f et seq.) (relating to safety of public water systems). These individuals are exempted from certain other Executive Branch requirements, including the Trump Ethics Pledge. In an August 18, 2017 letter to GAO, Senator Whitehouse and I wrote: "EPA has utilized its SDWA authority to hire a number of non-Senate-confirmed political appointees, some of whom are serving in supervisory positions and in roles that raise ethical questions." Based on documents provided by EPA, it appears that some individuals may still be serving as administratively determined appointees. These appointees have been permitted to work on projects with essentially no check on their ethical or financial conflicts. Also, many of these appointees appear to have had EPA e-mail accounts that were created and used by them for weeks and even months before their stated appointment date -- in some cases nearly 4 months before.
    a. What is EPA's policy on the length of time an employee is allowed to serve under the SDWA authority without having to complete a financial disclosure form, or complete a recusal statement (if necessary)?

    All Administratively Determined (AD) appointees receive initial ethics training pursuant to 5 C.F.R. § 2638.304. While the regulation allows agencies up to three months to provide that training, EPA typically ensures that the new AD appointees receive the ethics training within their first two weeks. This training is conducted personally by EPA's ethics officials in the Office of General Counsel rather than online. EPA requires that all AD appointees complete the public financial disclosure report, the OGE 278, and adheres to the regulatory deadlines set forth at 5 C.F.R. § 2634.201(b), which requires filing within the first 30 days. Please note, however, that the Agency may grant filing extensions as set forth at 5 C.F.R. § 2634.201(f).

    b. What safeguards are in place to ensure that employees hired under the SDWA authority do not work on matters that may trigger a conflict before they submit their financial disclosure form and complete any necessary recusal statement?

EPA Ethics delivers initial ethics training in person (or, for appointees who are in regional offices, via conference call or video conference) to all Administratively Determined (AD) appointees. In that training, they specifically address conflicts of interest and impartiality, and inform the appointee about recusal issues. When the appointee files the financial disclosure report, EPA Ethics can more accurately assess possible financial conflict of interest issues and determines whether the appointee should issue a written recusal statement. If necessary, EPA Ethics drafts that document.

c. For each appointee hired under the SDWA authority, please provide the date of their appointment; the date the appointment ended (if any); and the specific projects they worked on while serving as an administratively determined appointee.

Please see Attachment 1.

d. For each employee hired by the EPA under the SDWA authority, Schedule C authority, or as Non-Career SES, provide the date on which their EPA e-mail address was created, and the date of their appointment, whether they worked at EPA in any capacity prior to their appointment date and if so, what capacity.

Please see Attachment 1.

41. In response to questions from Senator Merkley, you testified that a "Red Team / Blue Team" exercise to re-examine the underpinnings of climate science is still "under consideration" at EPA. According to Jim Lakely, the communications director of the Heartland Institute, EPA has "reached out to the Heartland Institute to help identify scientists who could constitute a red team," and the Heartland Institute had been "happy to oblige."[19]
    a. Is Mr. Lakely telling the truth that EPA representatives reached out to the Heartland Institute for help identifying scientists who could participate in a Red Team/Blue Team exercise? If yes, why did EPA choose to contact the Heartland Institute?
    b. Have representatives of the Heartland Institute provided representatives of EPA with a list of "scientists who could constitute a red team"? If yes, who are the Heartland Institute's proposed participants?
    c. Have any EPA representatives consulted with any other organizations, corporations, or individuals about potential individuals who could participate in a Red Team/Blue Team exercise? If yes, provide the names of those organizations, corporations, or individuals consulted, and the names of any proposed participants.

[19] http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124

d. Do you know the names of any individuals or organizations who have contributed to the Heartland Institute? If yes, please provide the names of any such individuals or organizations with whom you have met in your capacity as EPA Administrator.
e. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the "Red Team/Blue Team" climate science effort.

Administrator Pruitt encourages an open, transparent debate on climate science – with a Red Team/Blue Team exercise being an option discussed to learn more about the questions around climate science.

42. A press report indicates that EPA's Office of the Chief Financial Officer established a target for Region 9 to reduce their FTEs by 10% by the end of FY18. Has the CFO or anyone in the Administrator's office provided other EPA regional offices or program offices with targets for reducing personnel by a specified percentage? If so, please provide each of the targets. Please also provide any document from the CFO or the Administrator's office communicating an FTE or staff reduction target to any EPA region or program office for FY18 or future fiscal years.

The President's Budgets for FY 2018 and FY 2019 include proposals for significant staffing reductions and those levels were considerations in the establishment of internal planning targets which were to be revaluated after appropriations bills are passed and during the development of EPA's Operating Plan. The effort is on-going. Recent flat-lined appropriations in the majority of EPA's program projects, combined with payroll growth, have created challenges in meeting program requirements that are addressed with contracts or with grants. Taken together, these trends mean the agency must carefully manage workforce levels. Specific impacts vary depending on organizations' current staffing levels and attrition rather than a set percentage.

Office or Region	Starting point Onboard FTE (data as of 9/25/17)	Interim FTE Target for End of FY 2018
OA	362.6	340.3
OAR	1,106.7	1,085.2
OARM	652.0	646.8
OCFO	291.0	300.8
OCSPP	979.0	932.5
OECA	667.2	670.0
OEI	325.9	364.9
OGC	222.1	196.8
OIG	267.5	270.0
OITA	71.8	68.1
OLEM	468.5	456.4
ORD	1,619.9	1,463.7
OW	552.3	533.2
R01	514.9	535.9
R02	752.1	715.7
R03	764.7	713.5
R04	877.0	858.3
R05	1,008.1	979.5
R06	739.9	677.5
R07	445.6	449.0
R08	512.5	478.3
R09	699.5	652.1
R10	522.9	478.5
Total	**14,423.6**	**13,867.0**

43. A recent report[20] indicates that, at a proposed superfund site in Chattanooga, EPA is only taking the most protective clean-up measures at properties where children currently live. EPA cannot possibly know whether families with children will one day move into homes that EPA isn't cleaning up because children don't *currently* live there. And EPA cannot possibly know which homes children visit frequently.
    a. Is the policy described in the report accurate? If not, please fully describe any inaccuracies.
    b. If the policy described in the report is accurate, please provide all documents (including emails, memos, white papers, analysis, meeting minutes and correspondence) related to any policy decision that limits the most aggressive cleanup measures to sites that currently have children residing on the premises.

[20] http://amp.timesfreepress.com/news/local/story/2018/jan/15/dozens-chattanooghomes-sitting-toxic-site/461286/?__twitter_impression=true

The *Chattanooga Free Times* press report is partially accurate with respect to the prioritization of the of the cleanup of impacted properties under the time-critical removal process at the Southside Chattanooga Lead Site. In an effort to minimize residents' exposure to highly contaminated soil, EPA's Superfund program is utilizing both removal and remedial cleanup authorities to expeditiously address the contamination at the Southside Chattanooga Lead Site. Currently, cleanup activities are being conducted under removal authorities. As a result, property cleanup is primarily based on detected lead concentrations above the removal management level of 1,200 milligrams per kilogram (mg/kg). In addition, special considerations are also provided to properties with children.

On January 18, 2018, the site was proposed for listing on the National Priorities List (NPL). Inclusion of the site on the NPL will allow additional resources to be allocated to address the contamination under the remedial program. EPA expects that residential properties, regardless of nature of occupancy, with lead concentrations above the anticipated site-specific cleanup level (360 mg/kg) will be addressed under the remedial process.

44. The President issued an Executive Order saying that for every rule an agency writes, two rules have to be repealed such that the net costs to industry are zero. However, the White House issued guidance on implementing this executive order that says that rules that address critical health matters could be exempted from the two-for-one repeal requirement. Does EPA plan to exempt its rule revising the Lead and Copper Rule from the two-for-one Executive Order? If not, why not, since the Rule does relate to a critical health matter?

    In reviewing an update to the Lead and Copper Rule, EPA assesses potential costs. Any decisions regarding costs will be based on the substance of the rule, which is still in the rulemaking process.

45. Coal ash is laden with toxic pollutants and heavy metals, and is second only to mine waste as the largest industrial waste stream in country. On April 17, 2015, the EPA published a final rule regulating the disposal of coal ash, also known as "coal combustion residuals" (CCR), from power plants.[21] Among other things, the CCR rule established vital rules to protect groundwater resources, to protect local communities from toxic windblown dust,[22] to reduce the risk of catastrophic failure (*i.e.*, collapse) of surface impoundments, and to maintain records of compliance with those rules. You became EPA Administrator on February 17, 2017. On April 17 and May 31, 2017, lawyers for power plants asked to you reconsider a laundry list of provisions in the CCR rule. On

[21] 80 Fed. Reg. 21,302 (Apr. 17, 2015).
[22] *See, e.g.*, Sabrina Shankman, *Is Coal Ash Killing This Oklahoma Town?*, INSIDE CLIMATE NEWS, June 13, 2016, *available at* https://insideclimatenews.org/news/10062016/coal-ash-killing-bokoshe-oklahoma-making-money-having-fun-cancer-asthma.

September 13, 2017, you replied that, "After reviewing your petitions, I have decided that it is appropriate and in the public interest to reconsider the provisions of the final rule addressed in your petitions, in light of the issues raised in your petitions, as well as the new authorities provided in the recently enacted Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-322, 130 Stat. 1628 (2016)."[23]

You appear to have granted reconsideration of every provision requested by the electric power sector in their two petitions for reconsideration. Is that a correct reading of your letter? If not, which provisions are you reconsidering?

EPA has agreed to reconsider a number of provisions of the CCR rule. The U.S. Court of Appeals for the D.C. Circuit ordered EPA to submit a status report indicating which provisions of the final CCR rule were being or were likely to be reconsidered by the agency and a timeline for their reconsideration. EPA filed that status report on November 15, 2017, indicating that the following provisions were or were likely to be reconsidered. These included issues that were before the Court as well as those that were not:

Provision	**Description**
Issues Before the Court	
40 CFR 257.50(c), 40 CFR 257.100	EPA Regulation of Inactive Surface Impoundments
40 C.F.R 257.53 – definition of beneficial use	The Criteria for Determining Whether Activities Constitute Beneficial Use or Disposal
40 CFR 257.95(h)(2)	Use of Risk-Based Alternative Standards for Remediating Constituents Without an MCL
40 CFR 257.53 – definition of CCR pile	The criteria for determining Whether a Pile will be Regulated as a Landfill or as Beneficial Use
40 CFR 257.96-98	Regulatory Procedures Used to Remediate Certain Non-Groundwater Releases
40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), 257.74(d)(1)(iv)	Requirements for Slope Protection on Surface Impoundments, Including Use of Vegetation
40 CFR 257.103(a) and (b)	Whether to Allow Continued Use of Surface Impoundments Subject to Mandated Closure if No Capacity for Non-CCR Wastestreams
40 CFR 257.50(e)	Regulation of Inactive Surface Impoundments, Including Legacy Ponds

[23] https://insideepa.com/sites/insideepa.com/files/documents/sep2017/epa2017_1860.pdf

40 CFR 257.100	Exemption for Certain Remediation and Post-Closure Requirements for Inactive Surface Impoundments that Close by April 17, 2018 Note: EPA completed reconsideration of the issues associated with this claim. See 81 Fed. Reg. 51,802 (August 5, 2016).
Appendix IV to 40 CFR 257.93(b), 257.94(b), 257.95(b), 257.95(d)(1)	Addition of Boron to the List of Constituents that Trigger Corrective Action
Issues Not Before the Court	
40 CFR 257.97	Whether to Allow Modification of the Corrective Action Remedy
40 CFR 257.90	Whether to Suspend Groundwater Monitoring Requirements Where "No Migration" Demonstration is Made
40 CFR 257.98(c)	Whether to Allow Alternate Period of Time to Determine Remediation is Complete
40 CFR 257.104	Whether to Allow Modification of the Post-Closure Care Period
40 CFR 257.101, 257.102	Whether to Allow CCR to be Used to Close Surface Impoundments Subject to Mandated Closure
40 CFR 257.53	Clarify Placement of CCR in Clay Mines

46. Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA related to the April 17, 2017 petition for reconsideration from the Utility Solid Waste Group, and the May 31, 2017 petition for reconsideration from AES Puerto Rico.

    EPA received two documents related to the April 17, 2017, petition: (1) a petition and cover letter from AES Puerto Rico, and (2) a petition from USWAG. These documents are attached (Enclosures).

47. Section 2301 of the WIIN Act[24] allows EPA to approve state-administered CCR regulations to operate in lieu of certain federal CCR regulations. Will you ensure that any state programs you approve are at least as protective of human health and the environment as the EPA's 2015 CCR rule?

[24] Codified at RCRA section 4005(d), 42 U.S.C. 6945(d).

Yes, the agency will ensure that any state programs that are approved meet all of the requirements for approval under the WIIN Act, including that the be "at least as protective as the 2015 CCR rule or successor regulations." In order for EPA to approve a state program, the statute requires that a state provide "evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State." See 42 U.S.C. 6945(d)(1)(A). As noted, the statute also requires that the program be "at least as protective as" the federal CCR rule. Moreover, in EPA's Interim Final Coal Combustion Residuals State Permit Program Guidance Document, EPA states in many places that the state must submit evidence that their program is at least as protective as the federal CCR rule and that this determination is subject to public notice and comment. EPA has been working with our state partners to ensure that their programs meet the statutory standard.

48. As a former state attorney general, you know that laws are only effective insofar as regulated entities believe they will actually be enforced. Could the unavailability of citizen enforcement make a state program less protective of human health and the environment, or is it irrelevant? Please fully explain your response.

Citizen enforcement of environmental laws can support governmental actions and foster deterrence and thus may be a relevant consideration when state legislatures are designing environmental programs. However, citizen suits also may take positions that are contrary to a state's interpretation of its own laws, creating confusion. Ultimately, a decision by a state legislature whether or not to include citizen suit provisions in their statutes should be left to that legislature, taking into account the needs of the state and the environmental program being addressed.

49. For each inactive surface impoundment currently subject to the 2015 CCR rule, please provide:
    a. The site's name;
    b. The site's location;
    c. The amount of coal ash disposed of in the site;
    d. The number of people living within 3 miles; and
    e. Any waterbodies or public water supplies located within 3 miles of the site.

Based on information that electric utilities posted on their CCR websites, EPA is aware of 113 inactive surface impoundments. The 2015 CCR rule defines an inactive surface impoundment as "a CCR surface impoundment that no longer receives CCR on or after October 19, 2015, and still contains both CCR and liquids on or after October 19, 2015." The attached table shows available information on the name and location of the 113 CCR units (Enclosure). EPA does not have the information to answer parts c through e of the question, as facilities are not required to report such information to EPA under the current regulations.

50. One of the companies that requested you reconsider the 2015 CCR rule, AES-Puerto Rico, appears to maintain a five-story pile of coal ash in Guayama, Puerto Rico. Has EPA received complaints about fugitive emissions from this waste pile? Has EPA investigated whether Hurricane Maria affected this and other waste piles in Puerto Rico? Please provide a copy of all documents (including emails, white papers, meeting agendas, powerpoint presentations, memoranda and other materials) received or obtained by EPA regarding off-site migration of coal-ash caused by Hurricane Maria. What precautions is EPA taking to ensure that weather events do not cause the release of coal ash?

On October 12, 2017, a team of EPA officials assessed the AES power plant to evaluate, among other things, potential spills or oil discharges, the stormwater collection and discharges system, and the wastewater treatment system. The assessment revealed that the power plant was structurally sound, oil spills were not observed from the diesel storage areas, and coal combustion residuals (CCR) had not migrated. EPA did not observe any discharge of CCR or Agremax material into wetlands. The stormwater management system implemented at the power plant appears to have prevented Agremax material and coal from discharging into the wetlands. A copy of the assessment information for the facility is enclosed.

It should be noted that the power plant had been shut down until just recently. Some structures, such as metal sidewalls and portions of the conveyors, were impacted by the storm and they were being repaired. The power plant remained out of operation until the Puerto Rico Electrical Power Authority (PREPA) requested that AES begin to produce power. AES began to producing power the week of February 12th, 2018.

Senator Booker:

51. The EPA has conceded that dangerous toxic and carcinogenic substances at dozens of Superfund sites are not adequately under control. The agency has also acknowledged that recent hurricanes have washed unknown amounts of chemicals from multiple Superfund sites into waterways. A recent analysis showed that 327 Superfund sites, 35 of which are in New Jersey, are at a risk of flooding due to climate change. In response to these findings, the Government Accountability Office (GAO) has agreed to investigate the risks to human health and the environment posed by natural disasters' impacts on Superfund sites.
    a. Do you agree that EPA must design Superfund remedies that account for climate change?
    b. Have you directed EPA staff to determine which Superfund sites may require additional remedies or precautions to be taken due to climate change?
    c. Can you please specify any additional resources that EPA may need to help remediate these sites?

EPA agrees that to meet its mission of protecting human health and the environment, Superfund cleanup remedies must be designed to account for the impacts of extreme weather events. The agency's existing processes for site cleanup planning and implementation provide a robust structure that allows consideration of these impacts. EPA integrates extreme weather vulnerability analyses and adaptation planning throughout the Superfund process, including when conducting feasibility studies, remedial designs and remedy performance reviews. Due to wide variation in the location and geophysical characteristics of contaminated sites, the nature of remedial actions at those sites, and local or regional climate and weather regimes, a place-based strategy is the most effective method to achieve this.

In 2012, the agency conducted a Superfund program assessment to: (1) identify extreme weather impacts most likely to affect remedies that are commonly used for contaminated groundwater, soil, or sediment; (2) evaluate associated vulnerabilities of the remedies; and (3) establish adaptation strategies for new and existing remediation systems. Since that time, EPA has been working to raise awareness among stakeholders, including Superfund site remedial project managers, about the importance of evaluating and addressing extreme weather vulnerabilities to ensure the continued protectiveness of remedies. The agency also continues to develop technical guidance, informational tools and training to assist site managers in integrating extreme weather vulnerability analyses and adaptation planning throughout the Superfund process.

52. On May 22, 2017, the Superfund Task Force was established to "provide recommendations…on how the Environmental Protection Agency (EPA) can streamline and improve the Superfund program." The report's recommendations were released in July 25, 2017. The EPA has stated that the Superfund Task Force kept no records of the analysis used to form recommendations for the Superfund program.
    a. Is this correct? Did the Agency keep no records of the analysis used to form recommendations?
    b. If it is correct, please provide justification or reasoning for the lack of record keeping when compiling a report that would shape the management of the Superfund program.

As I indicated at the hearing, the Agency has responded to various requests for records regarding this issue to both Congress and inquiries received via Freedom of Information Act.

<u>Sites Targeted for Immediate Intense Action</u>: In developing the "immediate, intense action" list, senior career Superfund staff at EPA headquarters and in each region were consulted and identified potential sites that may be worthy of special attention now or in the future to advance those sites through the cleanup process. The recommended sites represent the EPA regions' best professional judgment where the Administrator's involvement would facilitate site progress. The Administrator reviewed the recommendations and personally selected the sites for inclusion. The list includes sites that require timely resolution of specific issues to expedite cleanup and redevelopment efforts. The specific issue or milestone that may benefit from the Administrator's attention is noted for each site on the list, which can be found on the EPA website at: <u>https://www.epa.gov/superfund/superfund-sites-targeted-immediate-intense-action</u>.

The list is designed to spur action at sites where opportunities exist to act quickly and decisively. The Administrator will receive regular updates on each of these sites. Further, the list is intended to be dynamic and sites will move on and off the list as appropriate. At times, there may be more or fewer sites based on where the Administrator's attention and focus is most needed.

<u>Redevelopment Focus List</u>: In formulating the redevelopment focus list, EPA headquarters staff reached out to the EPA regional Superfund Redevelopment Initiative (SRI) coordinators to inquire about sites where there has been a strong interest in reuse or at sites appearing to have the strongest near-term reuse potential. This inquiry formed an initial list. Consistent with the Task Force Recommendation #33: *Focus Redevelopment Efforts on 20 NPL Sites with Redevelopment Potential and Identify 20 Sites with Greatest Potential Reuse*, EPA headquarters staff then narrowed the list based on the following criteria:

- **Previous outside interest**
- **Transportation access**
- **Land values**
- **Other critical development drivers.**

This refined list of sites was shared with the Agency's regional Superfund offices, which vetted the sites with SRI experts, remedial project managers, attorneys and regional management. The regional offices also contacted property owners, as appropriate, to let them know that EPA was considering their sites for the list, and reached out to EPA's state counterparts to ask if they had additional sites with redevelopment potential that the Agency should consider. Once EPA headquarters and the regions reached agreement, the list was made public.

The Redevelopment Focus List is intended to easily direct interested developers and potential owners to Superfund sites with redevelopment potential. EPA plans to focus redevelopment training, tools and resources towards the sites on this list. The Agency also plans to work with developers interested in reusing these and other Superfund sites; identify potentially interested businesses and industries to keep them apprised of redevelopment opportunities; and continue to engage with community groups in cleanup and redevelopment activities to promote the successful redevelopment and revitalization of their communities. This list is intended to be dynamic with sites moving on and off the list as appropriate.

The current list of sites may be found at: https://www.epa.gov/superfund-redevelopment-initiative/superfund-redevelopment-focus-list
For additional information about the Superfund Redevelopment Initiative, please go to: https://www.epa.gov/superfund-redevelopment-initiative

53. In response to the Superfund Task Force recommendations issued on July 25, 2017, you developed multiple priority lists of Superfund sites, including a list for sites targeted for "immediate, intense action" and the "Redevelopment Focus" list that highlights sites that can create potential commercial and development opportunities.
    a. How did you pick the sites to include on these lists? What specific criteria did you use?

    As to the Superfund Special Emphasis List, all 10 Regions were asked to submit their recommendations on sites that could benefit from attention and involvement. From the list submitted, the Agency selected the ones to be listed initially. EPA originally anticipated a list of 10 would be the metric. However, with discussion and review of those submitted, the list expanded to 21.

    As to the Redevelopment Site list, all 10 Regions again submitted recommendations for the list. The career staff in EPA's Office of Land and Emergency Management made the final recommendations to me.

b. What process do you intend to use in removing and adding sites to these lists?

As to the Superfund Special Emphasis List, the expected milepost or achievement needing attention is listed at the outset. Once that is achieved and absent a new milepost needing attention, the site would be deleted from the list. As to adding sites, the same process as originally employed will be replicated quarterly.

As to the Redevelopment List, a site will be removed once it has had an effective contract to reuse or it is apparent it is not viable, the site would be removed. Additions would come in the manner above with quarterly recommendations from the Regions to the career headquarters Superfund staff.

c. In what ways does the listing of these sites affect cleanup, construction, and revitalization efforts?

As to the Superfund Special Emphasis List, the listing has brought a focus and urgency to both the Potentially Responsible Parties and to those who are directly responsible to effect clean up and interact with the Potentially Responsible Parties. What the boss inspects, the employees respect. We have already seen sites stalled for years come to final pathway to resolution. Additionally, we have seen other sites move through my approval on to the remediation pathway.

As to the redevelopment list, this allows those parties interested in developing Superfund sites to focus on a few promising sites rather than sifting through 1344 sites. It also will allow potential third party dollars to be used in cleanup and more quickly return the property to productive use.

d. Do you plan to release a report or follow up on the progress made at the sites on these lists?

The status of the sites is monitored, particularly on the Special Emphasis List very frequently. We will update and revise after each quarter and will transparently report on additions and deletions, which will be available at https://www.epa.gov/superfund/superfund-task-force.

54. The Diamond Alkali site in Newark, New Jersey is on your list of Superfund sites targeted for "immediate, intense action" – will you be working as quickly as possible to implement the Record of Decision for the lower 8 miles of the Passaic River?

Yes, EPA will continue to work as quickly as possible to implement the Record of Decision (ROD) for the lower 8.3 miles of the Passaic River. The designation as a special emphasis site is intended to maintain a focus on the high priority cleanup actions that are necessary as we continue to oversee the design work for the bank-to-bank dredging and associated work.

After the ROD was signed in March 2016, EPA negotiated and signed a settlement agreement with Occidental Chemical Corporation (OCC) in September 2016 for OCC to perform the remedial design for the selected remedy. Signing a settlement agreement for a $165 million remedial design in six months was an unprecedented accomplishment for EPA. The schedule for the remedial design estimated in the ROD was approximately four years. More than one year into the design, OCC, under EPA oversight, is still on schedule to complete the design by 2020.

55. When you commissioned the Superfund Task Force on May 22, 2017, you nominated Albert Kelly, who previously was CEO and President of Oklahoma-based SpiritBank, as its Chairman. Thirteen days prior to his appointment, he was ordered by the Federal Deposit Insurance Corporation ("FDIC") to pay a civil penalty of $125,000 after he "enter[ed] into an agreement pertaining to a loan ... without FDIC approval." Two months later, the FDIC issued a lifetime ban prohibiting Mr. Kelly from managing financial institutions after determining that his violations "demonstrated ... unfitness to serve as a director, officer, [and] person participating in the conduct of the affairs or as an institution affiliated party of the bank, [or] any other insured depository institution."
    a. The FDIC has banned Albert Kelly from banking for life because he "demonstrated ... unfitness to serve as a ... person participating in the conduct of the affairs ... [of] any ... insured depository institution."
        i. Will he be managing or providing advice on Superfund program funding or any other program funding in his role as Senior Advisor?
        ii. If so, what is the nature of these responsibilities?
        iii. Will you ask him to recuse himself from any specific agency activities or issue areas as a result of the banking ban?
    b. Were you aware of the FDIC investigations when you named him as Chair of the Superfund Task Force?
    c. Were you aware of the FDIC investigations when you named him as Senior Adviser

There is no federal ethics correlation between the FDIC matter and Mr. Kelly's service to EPA.

56. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.
    a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
        i. What experience did he have that you believe qualified him to serve as Chair?
        ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
    b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
    c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Mr. Kelly has years of leadership positions from our home state of Oklahoma that has suited him to work with the Director of the Office of Superfund Remediation and Technology Innovation to facilitate Superfund reform. During the production of the Superfund Task Force Recommendations, Mr. Kelly was my leading appointee who spearheaded the effort while compiling the suggestions of career staff. Since the production of the recommendations up until his resignation from the Agency, he lead the efforts to begin the implementation of the recommendations.

57. When you decided to move forward with the process to potentially weaken the Agricultural Worker Protection Standard requirements, what steps did you take to comply with Executive Order 12898, which requires EPA to identify and address the disproportionately high and adverse human health effects of its activities on minority and low income communities?

In response to stakeholder concerns, in December 2017, EPA released a Federal Register Notice to initiate the process to revise certain requirements in the Worker Protection Standard (WPS) and Certification of Pesticide Applicators Rule. By the end of fiscal year 2018, EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on possible revisions to the WPS requirements for minimum age, designated representatives, and application exclusion zones, and the minimum age requirement for certified applicators. While the agency seeks public input on these possible changes, the compliance dates for the two rules remain in effect. EPA remains committed to protecting agricultural workers who handle and apply pesticides. Any possible revisions included in the proposed rulemakings will comply

with all applicable statutory requirements and executive orders, including Executive Order 12898.

58. Despite proposing drastic cuts to EPA's budget, you are spending taxpayer dollars on questionable expenses such as paying $25,000 to install a custom-made, soundproof phone booth in your office.
    a. Have you used this $25,000 phone booth for any calls with representatives of oil and gas companies?

       No.

    b. Will you provide to this committee within 10 days a log of all of the calls you have made from this phone booth?

       This is a secure phone line and room to be used for secured conversations with administration officials. This was an update to the building. For the information of the Committee, the upgrades and maintenance to the two main North and South portions of this 1930's era grand building is approximately $6 million every year out of EPA's most recently annual appropriation of $7.9 billion.

59. Despite a tradition of EPA reimbursing the Justice Department for their work in holding polluters accountable for Superfund clean ups, it was recently reported that you may break with this precedent, directing your agency to not reimburse the DOJ for that work. Do you plan on withdrawing EPA funding for the Justice Department's Environment and Natural Resources Division?

    Cleaning up the nation's Superfund sites and returning them to communities for beneficial use is one of EPA's top priorities. Under the President's Budget for EPA, up to $20 million will be provided for DOJ support for Superfund Enforcement to focus on the highest priority sites, particularly those that may present an immediate risk to human health and the environment.

Senator Boozman:

60. Administrator Pruitt, I understand that EPA is currently reviewing procurement guidance for the federal government's purchasing of lumber and wood products. During the Obama Administration, EPA issued procurement guidelines for lumber and wood products that called for the use of wood and lumber certified by the Forest Stewardship Council, leaving out wood grown on forests certified by the two major forest certification systems in the U.S.: the American Tree Farm System and the Sustainable Forestry Initiative. This guidance would have excluded of 4 million acres of Arkansas timber eligible for federal procurement. Additionally, the Obama Administration's guidance runs directly counter to the regulations issued under USDA's BioPreferred program, a program created in the 2008 Farm Bill that sets federal purchasing requirements for all biobased products and specifically recognizes eligibility from all three systems. What are you doing to ensure the EPA does not arbitrarily pick winners and losers and prevent the federal government from purchasing American timber?

    EPA's previous action on this issue was carried out under the June 2015 "Implementing Instructions for Executive Order 13693: Planning for Federal Sustainability in the Next Decade," and was not an agency regulation. Based on stakeholder concerns and interagency discussions, the EPA recommendation for the lumber/wood product category was removed from the "Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing" in December 2016. Before further action on this product category, EPA will ensure coordination with the USDA Forest Service and USDA Natural Resources Conservation Service, Department of Energy, OMB, and CEQ to determine how forestry standards should best be evaluated. Once the federal agencies have had time to come to consensus, EPA would engage stakeholders to refine the guidelines pertinent to evaluating the lumber/wood recommendation. This process is intended to provide a transparent, fair, and consistent approach to updating the EPA recommendation of forestry certifications and assessing other commodities' extraction/harvesting related environmental impacts.

Senator Ernst:

61. In two separate interviews shortly after the time of this hearing, you stated the need for both RFS reform and RIN reform. During the confirmation process, you went to great length to explain your intention to uphold the RFS. Can you please explain what you think RFS reform entails? In Iowa, this is a flashpoint and the continued rhetoric used appears to contradict your promise to this Committee on the RFS.

    There has been a heightened interest from a broad range of stakeholders advocating for programmatic changes to the Renewable Fuel Standard (RFS) in order to expand the use of higher ethanol blends and stabilize the costs of compliance. The above referenced interviews were subsequent to a then-recent meeting with government leaders at the White House which included representatives from your office. As you may recall, concerns were expressed regarding the variability of Renewable Identification Number (RIN) values, the impact of those costs on obligated parties and the range of options government leaders and policy makers should consider to strengthen the long-term viability of the RFS program. My references to RFS or RIN reform in those interviews was merely a summation of those discussions and associated concerns.

62. Much has been said about finding a "win-win" on the RFS and RINs, albeit not by you, but by some Members of Congress. Would you agree that fixing the Reid vapor pressure issue on E15 is a "win-win"? Doing so would reduce RIN prices, which some refineries say they need, while also expanding the marketplace for biofuels.

    Expanding the 1.0 pound per square inch (psi) waiver for RVP to E15 has been and continues to be a part of RFS reform options expressed and supported by a range or stakeholders. Senator Fischer has shown great leadership in the Senate on this issue and, during the same interviews referenced in the preceding question, I discussed the prospect of granting this type of waiver and have been assessing the legal and technical considerations for an administrative action.

63. How aggressively will EPA pursue the RIN obligation from refineries that declare bankruptcy?

    We, along with our colleagues across the federal government, will monitor any such bankruptcy proceedings closely. However, we would treat each situation on a case-by-case basis, so I am not able to comment further on this matter.

64. The Pesticide Registration Improvement Act (PRIA) was first enacted in 2003 and established a fee schedule for pesticide registrations. It lists specific time periods for EPA to make a regulatory decision on pesticide registration and tolerance actions submitted to the Agency. The goal of PRIA was to create a more predictable and effective evaluation system for affected pesticide decisions and couple the collection of individual fees with specific decision review periods. It also promoted shorter review periods for reduced-risk applications.

    PRIA has been tremendously successful, providing hundreds of millions of dollars in funding to EPA and providing product developers with clarity on timelines for Agency actions, and facilitating investment in research and development of new products. Importantly, through these industry fees, it has also provided $1 million annually in worker protection and pesticide safety training.

    PRIA has been reauthorized twice since it was first enacted – in 2007 and 2012 – each time by unanimous consent. It has been supported by large and small manufacturers of agricultural and non-agricultural products, antimicrobial products, biotech companies, and biopesticides, as well as labor and environmental advocates. The current law was set to expire on September 30, 2017; however, an extension was included in the CR that extends the authorization through February 8, 2018. H.R. 1029, the Pesticide Registration Enhancement Act, which would reauthorize these authorities, passed the House by voice vote on March 20, 2017, and was reported by the Senate Agriculture Committee on June 29, 2017.

    a. Can you explain the likely impacts to worker protection programs and your ability to regulate pesticides if PRIA is not reauthorized?

    PRIA provides approximately 33 percent of the funding for EPA's pesticide program activities. Currently operating under the third iteration of the statute, PRIA provides two funding sources to EPA's pesticide program:

    - **One time registration service fees (i.e., PRIA fees) for the evaluation of new applications submitted to the EPA; and**
    - **Annual FIFRA maintenance fees assessed to products currently in the marketplace, a significant portion of which are used to support the re-evaluation of pesticides in order to meet the statutory deadline of October 1, 2022, for completing the first round of registration review.**

    PRIA's authorization expired on September 30, 2017, has been extended in short term reauthorizations in each continuing resolution, and is now authorized through March 23, 2018. Legislation reauthorizing PRIA is currently pending in Congress. If the authorization expiration date is not further extended or if PRIA is not reauthorized by that date, pesticide applications submitted after that date will no longer be subject to decision time periods. The two year sunset provision in FIFRA section 33(m) specifies fees be reduced in fiscal year 2018 by 40 percent below the levels in effect during fiscal year 2017, and by 70 percent in

fiscal year 2019. Effective September 30, 2019, fee requirements under PRIA would be terminated.

Additionally, if PRIA were not reauthorized, $2 million per year for worker protection activities, pesticide safety education programs, and partnership grants, monies that currently come from PRIA funds, would not be available and these programs would not be funded. These activities include:

- **Developing and administering a pesticide safety training program that will support a national network of pesticide safety trainers providing worker safety training to migrant and seasonal farmworkers and their families (National Farmworker Training Program);**
- **Developing pesticide education materials for workers, handlers, and trainers on how to comply with WPS (cooperative agreement with UC-Davis and Oregon State University); and**
- **Supporting National Pesticide Information Center (NPIC), a bi-lingual, factual source of information for professional and public audiences on pesticide-related issues.**

b. What would be the impact to farmers across my state and the country?

PRIA provides predictability and regulatory certainty to all stakeholders regarding the timing of pesticide registration decisions. In the absence of PRIA, the statutory timelines would no longer exist and applications to register new pest control tools would be reviewed as resources were available. However, EPA would not be in a position to guarantee a registration decision timeline with any certainty. Farmers in need of new pest control tools would be greatly impacted as they may not be able to timely adopt new technologies to address their pest management needs.

Senator Fischer:

65. In two recent television interviews, you discussed the need for RFS and RIN reform. Given your commitments made to this committee during the confirmation process that you would uphold the RFS, can you please elaborate on what you think RFS reform means?

    There has been a heightened interest from a broad range of stakeholders advocating for programmatic changes to the Renewable Fuel Standard (RFS) in order to expand the use of higher ethanol blends and stabilize the costs of compliance. The above referenced interviews were subsequent to a then-recent meeting with government leaders at the White House which included representatives from your office. As you may recall, concerns were expressed regarding the variability of Renewable Identification Number (RIN) values, the impact of those costs on obligated parties and the range of options government leaders and policy makers should consider to strengthen the long-term viability of the RFS program. My references to RFS or RIN reform in those interviews was merely a summation of those discussions and associated concerns.

66. How do you plan to approach the bankruptcy court case involving Philadelphia Energy Solutions? Do you intend to ask the refinery to honor their legal obligation?

    We, along with our colleagues across the federal government, will monitor any such bankruptcy proceedings closely. However, we would treat each situation on a case-by-case basis, so I am not able to comment further on this matter.

67. If PES is allowed to use bankruptcy to avoid their RFS obligation, do you expect other refineries to follow this path?

    We are aware that PES recently filed a plan of reorganization with a bankruptcy court in Delaware, and we, along with our colleagues across the federal government, are monitoring the bankruptcy proceedings closely. As this is the subject of ongoing court proceedings, I am not able to comment further on this matter.

68. I understand that several commercial-ready companies seeking approval of new cellulosic biofuel (D3) registrations have been told by U.S. Environmental Protection Agency (EPA) staff that the processing of such applications is currently on hold until EPA staff completes an internal review.

    Because of the investment and long-term planning required to undertake these projects, it is imperative that new production of qualified cellulosic biofuels is approved as efficiently as possible. This will allow these commercial-ready businesses to gain the value associated with the D3 RIN production during this time of tight margins in the

agriculture economy and signal to the marketplace that these gallons are valued, as the Renewable Fuel Standard (RFS) intends.

If EPA is currently delaying registration of new D3 production, the falsely low D3 production volume would affect not only today's market, but also the market for the coming year and beyond, through EPA's annual volumetric rulemaking for the RFS. This practice would systematically underestimate D3 production, and thereby undermine Congress's intent under the RFS to grow the cellulosic biofuel market.

Does EPA currently have new cellulosic registrations on hold until EPA staff completes an internal review?

Under the Renewable Fuel Standard (RFS) program, cellulosic ethanol produced from corn kernel fiber qualifies to generate cellulosic RINs under an existing approved fuel pathway if certain registration and reporting requirements are met. EPA has registered some ethanol facilities under this pathway and received additional applications that are currently under review at this time.

69. When does EPA anticipate completing this review, and what does it hope to accomplish through this review?

Facilities that are simultaneously processing corn starch and corn kernel fiber to produce a mixture of conventional ethanol and cellulosic ethanol. The regulations require use of a test method to identify the cellulosic converted fraction that has either been certified by a voluntary consensus standards body or is demonstrated to produce "reasonably accurate" results. Unfortunately, there is currently no analytical test method that is certified by a voluntary consensus body and no certified reference samples containing both cellulose and starch. This requires EPA to evaluate each company's application on its unique merits. Due to the complexity of these applications, EPA does not have a specific time to complete its review. However, EPA is committed to supporting efforts by the industry and other government/non-governmental parties to find a way forward.

70. What steps is EPA taking to ensure these actions do not negatively impact cellulosic biofuel volumes in the 2019 RVO rulemaking?

The registration process is designed to ensure that when RINs are generated the fuel on which they are based qualified for the corresponding category of renewable fuel. EPA takes this responsibility very seriously, and in some cases it takes considerable time to work through the technical issues, which may include developing new test procedures. In projecting cellulosic biofuel production for 2019 as part of the RVO process, EPA staff carefully monitor the status of pending facility registration requests to ensure that our projections of cellulosic RINs generated in 2019 are as accurate as possible. We also carefully consider the comments we receive on the

proposed rule and make amendments to our projection methodology and volume projections as appropriate.

Senator Markey:

WEBSITE

71. In all, more than 5,000 pages of scientific, policy, and educational material on climate change have been moved off the main website for the Environmental Protection Agency (EPA). This information has been largely relegated to a maze of archives and portals that is virtually inaccessible to the public. The EPA's mission states that the agency should ensure "all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks."[25] Additionally, the Paperwork Reduction Act directs agencies to "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products."[26] However, there was no notice of the changes made to the EPA website, leaving the public with no opportunity to weigh in on the Administrator's decision to move, hide, and archive information on the Clean Power Plan or on climate change.
    a. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the EPA's mission?
    b. How does the decision to remove hundreds of webpages and post the notice on the same day comply with the Paperwork Reduction Act?
    c. Were you personally involved in directing the removal of any information from the EPA website? If so, please provide any correspondence or documentation relating to your personal involvement in the overhaul and censorship of the EPA website.

EPA is continually making changes to its website and other digital information resources to reflect and support the agency's current priorities and work. When we remove information from our main portal, www.epa.gov, the majority of the time we make sure it is still available to the public via our archive website, https://archive.epa.gov/. In addition, because of the public concern about access to information on our website last year, we created a snapshot website that contains the content that was on our main portal on January 12, 2017. The snapshot website can be searched here: https://19january2017snapshot.epa.gov/.

All changes to EPA's websites and digital resources are coordinated between the different offices at the agency. We do our best to make new information available to the public as soon as possible and then notify them of the changes.

[25] "Our Mission and What We Do." United States Environmental Protection Agency. Accessed February 1, 2018. https://www.epa.gov/aboutepa/our-mission-and-what-we-do
[26] 44 USC § 3506(d)(3)

72. The error page on the EPA website that the public reaches when trying to access former resources on climate change reads, "This page is being updated [...] We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt."
    a. Please provide a timeline for when this update will be complete, as well as a detailed list of all the pages that have been permanently removed from www.epa.gov and the changes made on those that remain in an altered form.
    b. Please explain how the priorities of President Trump and Administrator Pruitt necessitate the removal of pages like "What Climate Change Means for Massachusetts" from www.epa.gov.
    c. Please provide an accounting of the costs and employee hours associated with developing the resources that were removed, as well as with the process of moving and updating the website to "reflect EPA's priorities."

    We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

ENFORCEMENT

73. Oklahoma recently suffered what may be the deadliest accident in the history of the shale industry, when five workers were killed by an explosion at a fracking site. The company that owns this site (Patterson-UTI) has reportedly experienced several other deadly safety incidents from 2010-2013. Oklahoma's regulators use an enforcement system that shuns fines in favor of working with violators, a strategy which you appear to have emulated during your tenure. For example, Devon Energy had admitted to illegally emitting hazardous chemicals, and was in discussions to pay a settlement of more than $100,000 and install mitigation technology. After your swearing it, Devon Energy informed the EPA that it was "re-evaluating its settlement posture" and now offered a settlement of around $25,000 with no commitment to install additional technology.[27]

    According to a New York Times analysis, compared to the first nine months of the Obama administration, you have: filed roughly 1,000 fewer new enforcement cases; sought 60 percent less in civil penalties; requested almost 90 percent fewer injunctive relief fixes, which prompt companies to cut pollution; and made it harder for EPA offices to request pollution tests.[28]

[27] Brook-Davison, Carrick. "RE: Revised Devon settlement proposal for the Beaver Creek Gas Plant." Guida, Slavich & Flores. February 22, 2017. Accessed February 1, 2018. https://www.documentcloud.org/documents/3727057-Devon-Fights-and-Now-Is-Winning-Battle-Against.html#document/p1/a356485

[28] Lipton, Eric and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2017. Accessed February 1, 2018. https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html

a. Please provide a list of companies and plants that received notices of violations from 2008-2017 under the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act, but that have not yet had any EPA penalties levied upon them.

In some enforcement circumstances, the EPA issues a NOV to a facility owner/operator that the agency has identified as having one or more violations. However, not all statutes include provisions for issuance of an NOV or require issuance of an NOV. *Compare* Clean Air Act § 205(c)(1), 42 U.S.C. § 7523(c)(1) ("[T]he Administrator shall give written notice to the person to be assessed" a penalty) *with* Clean Water Act § 309, 33 U.S.C. § 1319 (no provision for written notice).

Since not all statutes include these provisions, the agency does not centrally track all NOVs in the agency's Integrated Compliance Information System (ICIS) enforcement and compliance database. Some information on NOVs is available in ICIS, but NOVs are not required to be entered. Additionally, because NOVs do not always result in the need for follow-up enforcement actions, *e.g.*, where the facility promptly returns to compliance, we do not have the ability to link NOVs to later enforcement actions.

b. Please provide a detailed list of cases where, under your leadership, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration from 2008-2017 and the rationale for these decisions.

EPA's civil penalty policies provide the bases upon which EPA compromises claims and settles cases for less than the statutory maximum penalty. These policies can be found here https://www.epa.gov/enforcement/enforcement-policy-guidance-publications. The negotiation of penalties is based on these policies. The specifics of each case are confidential enforcement information. When an enforcement action is withdrawn or not pursued, that information is reported in ICIS. However, please note that these data are not certified and may not always be entered in a timely manner. We have provided below the total number of enforcement actions in ICIS reported as withdrawn or not pursued. Because the decision to withdraw a case may involve an enforcement-confidential determination, we have not provided a list of cases.

Actions Reported:	CY08	CY09	CY10	CY11	CY12	CY13	CY14	CY15	CY 16	CY 17
Total	64	126	65	105	95	57	57	26	31	23

74. The EPA recently released data that detailed the fines, penalties, and other commitments that the agency collected during fiscal year 2017.[29] According to the EPA's report, the number of new cases, defendants charged, and federal inspections and evaluations began by the agency in FY2017 were all at the lowest level in at least a decade. Despite this, the EPA still touted an increase in the total amount of criminal fines, including restitution and mitigation activities.
    a. Of the cases included in the FY17 reporting, what percentage of fines and restitutions, court ordered environmental projects, Superfund site commitments from liable parties, judicial penalties, injunctive relief, and other penalties were made before January 20, 2017?

The enforcement and compliance work accomplished in fiscal year 2017 included work performed under both the prior and current administrations. This administration is proud to highlight accomplishments and to honor EPA employees for all of the great work they did last fiscal year.

In response to your request for data on the percentage of FY17 fines, penalties, and other relief secured before and after January 20, 2017, please see the chart below.

Measure	Total FY 2017 Values October 1, 2016 - September 30, 2017	Values for October 1, 2016 - January 19, 2017	Percentage for October 1, 2016- January 19, 2017	Values for January 20, 2017 – September 30, 2017	Percentage for January 20, 2017 – September 30, 2017
Fines (Criminal)	$2,829,202,563	$8,716,000	0.3%	$2,820,486,563	99.7%
Restitution (Criminal)	$147,520,835	$84,755,737	57.5%	$62,765,098	42.5%
Court Ordered Environmental Projects (Criminal)	$3,092,631	$1,146,362	37.1%	$1,946,269	62.9%
Amount Committed by Liable parties to Clean Up for Superfund sites	$1,227,057,039	$68,586,500	5.6%	$1,158,470,539	94.4%
Amount Committed by Liable Parties to Reimburse the Government for Past Costs at Superfund Sites	$142,577,803	$22,398,806	15.7%	$120,178,997	84.3%
Judicial Penalties	$1,583,608,081	$51,310,581	3.2%	$1,532,297,500	96.8%
Administrative Penalties	$48,078,393	$13,206,031	27.5%	$34,872,362	72.5%
Injunctive Relief (Judicial and Administrative)	$19,971,202,303	$16,483,587,889	82.5%	$3,487,614,414	17.5%

[29] "Enforcement Annual Results for Fiscal Year 2017." Environmental Protection Agency. Accessed February 9, 2018. https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017

Supplemental Environmental Projects (Judicial and Administrative)	$17,255,199	$4,013,347	23.2%	$13,241,852	76.8%

b. Of the cases included in the FY17 reporting, what percentage of civil and criminal cases, inspections/evaluations, complaints, and orders were initiated, opened, or filed after January 20, 2017?

Please see the chart below in response to your question.

Measure	FY 2017 Counts	Case Counts from January 20, 2017 - September 30, 2017	Percentage
Civil Judicial Referrals	114	81	71%
Criminal Cases Opened	115	70	61%
Inspections/Evaluations[30]	9,918	7,924	80%
Administrative Penalty Order Complaints (APOCs)	1,218	939	77%
Administrative Compliance Orders (ACOs)	606	476	79%
Final Administrative Penalty Orders (FAPOs)	1,255	972	77%
Complaints Filed With Court	83	43	52%

75. The EPA FY19 budget request included an 18 percent cut to civil enforcement and a 12 percent cut to criminal enforcement from the FY18 annualized Continuing Resolution (CR).
    a. As the number of new enforcement cases are already falling under your tenure, how does limiting the enforcement budget further facilitate your stated objective to "timely enforce environmental laws to increase compliance rates [...] especially enforcement actions to address environmental violations?[31]
    b. How many full-time EPA employees working on civil, criminal, Superfund, and federal facilities enforcement do you expect to be supported by the FY19 budget request?

[30] The Inspection/Evaluation totals in this chart exclude manually reported SDWA UIC inspections because EPA does not maintain the date of these inspections. The FY 2017 total number of inspections reported for Annual Results, including SDWA UIC inspections, is 11,756 (9,918 + 1,838 manually reported SWDA UIC inspections.)
[31] "FY 2019 EPA Budget in Brief." United States Environmental Protection Agency. February 2018. Accessed February 13, 2019. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf

EPA's enforcement efforts continue to be focused on achieving compliance, not on the number of individual actions taken. To achieve the desired outcome, EPA works in partnership with state and tribal agencies to assure compliance, protect public health and the environment, and ensure a level playing field for businesses. Recognizing that states are the primary implementers of our nation's environmental laws, EPA will focus where it can provide the most value including matters affecting multiple states or tribes, serving as a backstop when a state or tribe does not address serious noncompliance in a timely fashion, and assisting states and tribes when they lack the capability, resources, or will to address noncompliance.

In FY 2019, the agency is requesting 2,264.1 FTE for the civil, criminal, Superfund, and federal facilities enforcement programs.

CLIMATE IN DRAFT STRATEGIC PLAN

76. You have said that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."[32] With regard to human-produced carbon dioxide, in an interview with CNBC, you said that, "I would not agree that it's a primary contributor to the global warming that we see."[33] But the statutorily required National Climate Assessment's Climate Science Special Report that was released by the Trump Administration in November concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."[34] Last year was the second-hottest year in recorded history, according to the National Aeronautics and Space Administration, and saw record-breaking costs incurred by extreme weather and climate disasters.
    a. Do you disagree with the conclusion made in the Climate Science Special Report by our country's top scientists at 13 federal agencies, including your own, that human activities are the dominant cause of global warming, with "no convincing alternative explanation"?

    EPA recognizes the challenges that communities face in adapting to a changing climate. EPA works with state, local and tribal governments to improve infrastructure to protect against the consequences of climate change and natural disasters. EPA also promotes science that helps inform states, municipalities, and tribes on how to plan for and respond to extreme events and environmental emergencies. Moving forward, EPA will continue to advance its climate adaptation efforts, and have reconvened the cross-EPA Adaptation Working Group in support of those efforts.

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[32] Pruitt, Scott and Luther Strange. "The Climate-Change Gang." The National Review. May 17, 2016. Accessed January 31, 2018. http://www.nationalreview.com/article/435470/climate-change-attorneys-general

[33] DiChristopher, Tom. "EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming." CNBC. March 9, 2017. Accessed February 1, 2018. https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html

[34] Wuebbles, D.J., and D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.) "Climate Science Special Report." U.S. Global Change and Research Program. November 2017. Accessed January 31, 2018. https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf

Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.

77. Despite these findings, and the conclusion that "[c]hanges in the characteristics of extreme events are particularly important for human safety,"[35] climate change did not appear in the EPA's Strategic Plan for 2018-2022, as published on February 12, 2018.
    a. Why does climate change not appear in the draft plan?
    b. Do you intend to address climate in other strategic planning documents, commensurate with the findings of the Climate Science Special Report? If not, why not?

Strategic plans are drafted every five years to reflect new initiatives and projects of the Agency. Naturally the plan will be reflective of the current administration's priorities of refocusing the Agency on its core mission, restoring power to the states through cooperative federalism, and leading the Agency through improved processes and adherence to the rule of law.

PERSONNEL

78. In the FY19 budget request, Science and Technology funding was cut from $708,975,000 in the FY 2018 annualized CR to $448,965,000—a decrease of 37 percent. The Regional Science and Technology funding was zeroed out entirely. This attack on science comes as more than 200 scientists have left the agency over the past year.
    a. How many full-time scientists will be supported at the EPA by the FY19 budget request?

    Based on the distribution of scientific positions within the agency workforce, EPA would estimate that between 8,300 and 8,800 scientific positions would be supported through the FY 2019 Presidents Budget Request. This is an estimate extrapolated from on-board data that is current as of FY 2017 and includes non-federal positions. The actual number is dependent upon programmatic workforce decisions that remain to be made as well as factors such as attrition.

    b. Can you describe how the Regional Science and Technology capabilities will be fully replaced by the "ad hoc" efforts described in the Budget in Brief?

    The Regional Science and Technology program performs laboratory analysis, field monitoring, and sampling investigations in order to provide credible scientific data on environmental pollutants and conditions to Agency

[35] Ibid.

policy makers. Under its Reform Plan, the Agency is working to develop a comprehensive enterprise-wide laboratory approach that will address many of the programs' traditional functions.

TOXIC CHEMICALS

79. During the hearing, you committed to updating my office on the status of the formaldehyde health assessment, which I understand has been completed by EPA staff but not yet released.
    a. What date was the draft assessment completed by EPA staff?
    b. What is the exact timeline for public release?
    c. What are the exact steps that EPA must take internally before the report is shared for interagency review?

    Please see response to Question 10.

80. The Integrated Risk Information System (IRIS) provides the scientific research needed to effectively implement the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Food Quality Protection Act, and the Toxic Substances Control Act (TSCA), among other laws that protect our nation's public health and environment. However, there have been repeated attacks made on IRIS's objectivity and independence, despite recent changes made to strengthen its scientific approach. There are reportedly around 30 people left working at IRIS, after a period of serious attrition similar to that seen within other EPA offices.
    a. Does the EPA plan on moving the IRIS program from the Office of Research and Development to the Office of Chemical Safety Pollution and Prevention (OCSPP) as reported, thereby placing it within the regulatory arm of the EPA and out of the science and research office?

    There are no plans to move IRIS out of ORD.

    b. If yes, please detail how the EPA would ensure that the scientific research remains independent, transparent, and non-politicized.

    N/a. See 80a.

    c. Please provide a list of dates and attendees of meetings you or senior political appointees have taken in which IRIS was discussed, as well as any communication or documents relating to these meetings.

    We are working to gather this information with regard to EPA's IRIS meetings and will provide this information to you as soon as possible.

Senator Merkley:

81. Under your new policy, you exclude scientists who currently receive EPA grants from serving on EPA scientific advisory committees (link: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf).
    a. What is the legal basis for this new directive?
    b. What is your reasoning in exempting tribal, state, and local EPA grant recipients from the directive?
    c. How do you define conflicts of interest within the EPA advisory committees?
    d. Have you consulted with scientific societies, the National Academies, or other independent science organizations about the definition of conflicts of interest?
    e. How will your directive work to ensure that the agency's advisory committees are able to make objective recommendations based on the best available science?
    f. Can you provide an example of a time when a EPA grant recipient on a federal advisory committee provided "conflicted" advice to the administrator?
    g. Now that your directive has tripled the number of industry scientists on the SAB, how will you ensure that the EPA's science advice remains independent?

    Information responsive to these questions can be found in EPA guidelines and public documents, including:
    - **https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees**
    - **https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf**
    - **https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument**

82. The policy excluding scientists does not affect individuals who have industry ties. For example, Dr. Tony Cox received money from American Chemistry Council, American Petroleum Institute, Engine Manufacturers Association, National Mining Association, and many others, yet you selected him to chair the Clean Air Scientific Advisory Committee (CASAC). Why are industry-funded individuals with apparent conflicts of interest more qualified to serve in these science committees than independent scientists?

    All EPA employees, including Special Government Employees, must abide by federal ethics laws and regulations, including the Standards of Ethical Conduct for Employees in the Executive Branch, 5 C.F.R. Part 2635, and the conflict of interest statutes codified in Title 18 of the United States Code. Agency policies, including ethics-related and conflict of interest guidelines, which can be found at:
    - **https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees**
    - **https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf**
    - **https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument**

83. You took an unprecedented action and dismissed Dr. Donna Kenski from EPA CASC before her term expired, alleging that Kenski would not qualify under EPA's problematic new policy. Even so, Dr. Kenski's employer, the Lake Michigan Air Directors Consortium's EPA grant is routed through the state government, a category is exempted in the new policy. At the same time, Dr. Michael Honeycutt is allowed to chair the Scientific Advisory Board, even though he has received over $58 million in grants while leading the Texas Commission on Environmental Quality. Why does the same policy disqualifies Dr. Kenski while allowing Dr. Honeycutt to serve?

All EPA employees, including Special Government Employees, must abide by federal ethics laws and regulations, including the Standards of Ethical Conduct for Employees in the Executive Branch, 5 C.F.R. Part 2635, and the conflict of interest statutes codified in Title 18 of the United States Code. Agency policies, including ethics-related and conflict of interest guidelines, which can be found at:

- https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees
- https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf
- https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument

84. You pledged repeatedly in front of this committee that since you are a lawyer and a prosecutor, you would defer to your career staff for science advice. Yet you replaced Dr. Kenski with Dr. Larry Wolk, whom according to your staff's memo, had "no direct experience in health effects of air pollution, epidemiology, toxicology." On Dr. Tony Cox, your staff raised conflict of interest and appearance of a lack of impartiality issues. Will you commit to follow the recommendations of EPA's career staff so no one appointed to the EPA's advisory committees are either unqualified or have conflicts of interests so that the committees can provide you with the best and sound science that you and the agency so desperately need?

The Agency is committed to selecting qualified and knowledgeable individuals to serve on advisory committees. All EPA employees, including Special Government Employees, must abide by federal ethics laws and regulations, including the Standards of Ethical Conduct for Employees in the Executive Branch, 5 C.F.R. Part 2635, and the conflict of interest statutes codified in Title 18 of the United States Code. Agency policies, including ethics-related and conflict of interest guidelines, which can be found at:

- https://www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees
- https://www.epa.gov/sites/production/files/2015-02/documents/ethicsadvisory.pdf
- https://yosemite.epa.gov/sab/sabproduct.nsf/Web/ethics?OpenDocument

85. In your hearing in front of the House Energy & Commerce Committee, you said that EPA has issued $77 million in grant money to twenty members of the EPA scientific advisory committees. Please provide detailed information behind this statement, including the names of the 20 members, their affiliations, their EPA-funded projects and grant amount.

EPA makes grant awards publicly available. These databases can be found at:

- **https://yosemite.epa.gov/oarm/igms_egf.nsf/Homepage?ReadForm**
- **https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/search.welcome**

86. During your nomination hearing, you said that you "have no first-hand knowledge" of the EPA's scientific integrity policy at the time. However, you did commit to "thoroughly reviewing" the policy and following "federal guidance regarding scientific integrity." The policy states that EPA scientists are free to "exercise their right to express their personal views provided they specify they are not speaking on behalf of…" the EPA (Link: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf). Have you reviewed and implemented this part of the policy? Can you affirm that EPA scientists and managers are free to exercise their right to express their personal views free from political interference, as guaranteed by this policy?

I am committed to upholding EPA's Scientific Integrity Policy, which ensures that the agency's scientific work is of the highest quality, is presented openly and with integrity, and is free from political interference. EPA scientists are supported in speaking directly to the science in their presentations, yet leave policy statements to the relevant programs. In their private capacity, EPA staff can freely exercise their right to express their personal views provided they specify that they are not speaking on behalf of the Agency.

87. The EPA's scientific integrity policy encourages EPA scientists to engage with their peers in the industry, academia, government, and non-governmental organizations as long as it is consistent with their job duties. The policy explicitly states that this can include presenting their work at scientific meetings and actively participating in professional societies, and more. However, 3 EPA scientists that were scheduled to speak at a conference on climate change at Narragansett Estuary Bay were restricted [link:https://www.ucsusa.org/center-science-and-democracy/attacks-on-science/accumulating-evidence-federal-scientists-are-being#.WnDaRq6nFhF] from attending, in direct conflict with the agency's scientific integrity policy.
    a. Did you realize that this decision was in violation of the policy?

    I am committed to upholding EPA's Scientific Integrity Policy. Procedures have been put in place to prevent such an occurrence in the future.

b. Will you commit to ensuring that this type of flagrant violation will not happen again under your watch?

I am committed to upholding EPA's Scientific Integrity Policy, which ensures that the Agency's scientific work is of the highest quality, is presented openly and with integrity, and is free from political interference.

c. In the spirit of upholding scientific integrity in EPA decision making, will you commit to not politically interfere in science-based policy decisions at the agency, yes or no?

I am committed to upholding EPA's Scientific Integrity Policy. The policy recognizes the distinction between scientific information, analyses, and results from policy decisions based on that scientific information. Policy makers within the Agency weigh the best available science, along with additional factors such as practicality, economics, and societal impact, when making policy decisions.

88. You decided to postpone steam electric power plant effluent guidelines rule in September. Who are the stakeholders that you met with prior to making this decision? Additionally, please provide the analyses that helped you make this decision.

Meetings related to this issue are in the public record.

As part of EPA's overall regulatory review and in response to a petition in April 2017, EPA announced a proposal to postpone certain compliance dates in the 2015 Steam Electric ELG Rule in order to give full consideration to those concerns. After reviewing thousands of public comments to EPA's June 2017 proposed rule to postpone those dates, EPA finalized a rule in September 2017, postponing certain compliance dates in the 2015 Rule and announcing our intention to conduct subsequent rulemaking to potentially revise the limits for those wastestreams whose compliance dates were postponed dates.

89. Please explain why the EPA removed methylene chloride, NMP, and TCE from the Unified Agenda of Regulatory and Deregulatory Actions.

Under TSCA section 6(a), regulation of certain uses of methylene chloride, NMP, and TCE were proposed in 2016 and 2017. These actions were listed as Long-Term Actions on the Unified Agenda, meaning they are under development, but EPA did not expect to have a regulatory action within the year following publication of the Unified Agenda. The agency is currently considering the comments received in response to the 2016 and 2017 proposals, including comments suggesting that EPA quickly finalize these actions and comments suggesting that these actions be evaluated as part of the group of the first ten chemicals undergoing initial risk evaluations under the amendments to TSCA.

90. During the hearing I asked if you were inclined to grant an exemption to asbestos used by the chloralkali industry, which imports 95% of asbestos into the United States. You said that you would have to look into the issue. Now that you have had more time to study the issue, are you going to exempt asbestos used by the chloralkali industry from regulation?

It is premature for EPA to determine whether asbestos used by the chloralkali industry will be subject to regulation under TSCA. As required by amended TSCA under section 6(b)(4)(A), EPA must first conduct a risk evaluation to determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under its conditions of use. EPA initiated the risk evaluation for asbestos in December 2016. Subsequently, in June 2017, EPA published the scope document as per TSCA section 6(b)(4)(D) for the asbestos risk evaluation. In this scope document, EPA identified asbestos diaphragms used by the chloralkali industry to produce chlorine and caustic soda as a condition of use that would be included within the scope of the asbestos risk evaluation. This risk evaluation must be completed within three years of initiation, with a possible extension of 6 months. If EPA determines from the risk evaluation that the conditions of use of asbestos by the chloralkali industry present an unreasonable risk of injury to health or the environment, then regulation would be pursued under TSCA section 6(a).

91. EPA has reduced climate change website access to at least 5,000 pages, possibly many more, of scientific, policy, and educational material paid for by taxpayer dollars over the past year. In the one example of content being partially returned to the website, all of the more than 200 climate-related webpages were omitted from what was previously a 380-page website titled "Climate and Energy Resources for State, Local, and Tribal Governments," which has now been renamed simply "Energy Resources for State, Local, and Tribal Governments." How do you justify such overt censorship of taxpayer-funded information that was created to help state, local, and tribal decision-makers protect the well-being of their constituents? Will you return this content to the EPA website so that the public can benefit from it again?

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

92. According to the Paperwork Reduction Act, 44 USC § 3506(d)(3), all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The news release announcing that the EPA was overhauling its website was published the same day that the EPA removed the vast majority of its climate change website, thousands of webpages -- the public did not have an opportunity to provide comment or express its concerns. How do you justify overtly disregarding this process and failing to notify the public?

    We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

93. While Dr. Michael Dourson was under consideration to be Assistant Administrator of the Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention (OCSPP), he was employed as a senior adviser at the EPA.
    a. What was Dr. Dourson's job title and type of appointment?

        Dr. Dourson was a Senior Advisor to the Administrator. His position was a Non-Career Senior Executive Service Limited Term position located in the Office of the Administrator. He has since left the agency.

    b. Whom did he supervise?

        Dr. Dourson did not have any supervisory responsibilities.

    c. Did you delegate any duties of the OCSPP to him? If so, what were they?

        Dr. Dourson did not have any OCSPP duties delegated to him.

    d. What projects did Dr. Dourson work on while at EPA and what was his role related to these projects?

        Dr. Dourson was a Senior Advisor to the Administrator, a position located in the Office of the Administrator. He advised on issues related to chemical safety.

    e. What monetary and non-monetary compensation did Dr. Douson receive while he was employed at EPA?

        A Comprehensive search could not be performed by the submission of this document.

f. Please provide Dr. Dourson's daily schedule while he was at EPA.

A Comprehensive search could not be performed by the submission of this document.

94. You claim that special interest groups have been circumventing the regulatory process through litigation, resulting in creation of regulation via consent decrees and settlement agreements. However, EPA has been making "policy decisions" of late that do just that--circumvent the rulemaking process. EPA's January 25 guidance allowing the downgrade of source status from "major" to "area" has a major impact on reporting and compliance requirements, yet this new benefit to industry did not undergo the required regulatory process under the Administrative Procedures Act.
    a. Please describe how EPA is increasing transparency and improving public engagement with respect to making the decision to downgrade source status for industries without a rulemaking, and how this is an improvement to public health and the environment.

EPA's issuance of the January 25, 2018 guidance memo provided the public with notice of EPA's plain language reading of the statutory terms "major source" and "area source". The public was notified of the memorandum through a notice published in the Federal Register on February 8, 2018. Further, EPA will be providing for public engagement through an opportunity for public comment on the plain language reading of the statute discussed in the January 25 memo. As stated in the memo, EPA expects to "publish a Federal Register notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute as discussed in this memorandum." EPA staff are currently working on a proposed rule package. Finally, we disagree with the assertion that EPA somehow circumvented the regulatory process in issuing the memo. The January 25 guidance memo provides EPA's reading of the plain language of statutory terms in the Clean Air Act and withdrew a prior guidance memorandum that had been issued without notice and comment rulemaking. The Supreme Court (in Perez v. Mortgage Bankers Association, 135 S.Ct. 1199, 1206 (2015)) has recognized that EPA and other agencies may revise and withdraw policies issued through guidance without conducting a notice and comment rulemaking.

95. Facilities will now have the ability to downgrade to an area source without needing to comply with maximum achievable control technology (MACT) standards, which require control efficiencies of 95% and higher. Please explain how the emissions reductions from MACT standards will be achieved when you are allowing sources to be recategorized as area sources.

In the January 25, 2018, guidance memorandum titled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act," EPA addressed the question of when a major source subject to a MACT standard may be reclassified as an area source and avoid being subject to major source requirements. The memo states that the plain language of the definitions of "major source" and "area source" in CAA section 112(a) compels the conclusion that a major source becomes an area source at such time as the source takes an enforceable limit on its potential to emit (PTE) hazardous air pollutants (HAP). Under this plain reading of the CAA, sources of HAP previously classified as "major sources" may be reclassified as "area" sources when the facility limits its PTE below major source thresholds using a federally enforceable mechanism. There is no time limitation supported within the plain reading of the CAA Section 112 definitions of major and area source.

96. Historically, environmental organizations have sued EPA due to lack of agency action on implementation of critical environmental laws, resulting in court decisions that force EPA to take action...or as you refer to it, sue and settle. What other courses of action can special interest groups pursue when EPA does not meet statutory deadlines?

    EPA published its FY 2018-2022 Strategic Plan on February 12, 2018. Within that plan, EPA included a strategic measure (SM-19 within Objective 3.2) to meet 100% of legal deadlines imposed on EPA by September 30, 2022. You can view that plan here: https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf. Moreover, special interests groups, and others alike, can always choose to exercise the rights provided to them by the law.

97. In your Sue and Settle directive, you issued a memo to EPA managers (https://www.epa.gov/sites/production/files/2017-10/documents/signed_memorandum_in_support_of_consent_decree_and_settlement_agreement_oct162017.pdf) discussing how past practices of EPA have harmed the American public. In this memo, you say that EPA has met with outside groups behind closed door and excluded other interested stakeholders, essentially accusing EPA's Office of General Counsel of collusion. Is it your position that EPA lawyers are liable for collusion? If you believe that collusion has occurred, are you aware that many state bar associations consider collusion grounds for attorney discipline or even debarment? Was it your intention to endanger the status of all EPA attorneys?

    The Memorandum to which you are referring is not a set of conclusions made at the end of a case-by-case investigation, but rather describes general concerns of those outside of the agency who wanted to participate in the process for resolving a particular case but could not. As the related Directive explained, *"It has been reported*, however, that EPA has previously sought to resolve lawsuits through consent decrees and settlement agreements that appeared to be the result of collusion with outside groups." (Emphasis added.) While the words "It has been

reported" do not also appear in the Memorandum, the intent of the statements was the same. It is not my position that EPA lawyers have violated their bar obligations.

98. It has been reported that the grant review process at EPA has been captured by political appointees.
    a. Can you please describe how the EPA is currently reviewing grants?

       Please see Attachments 6 and 7.

    b. Why is the EPA specifically targeting grants that are dealing with climate change and climate impacts?

       The purpose of the grant solicitation review process EPA has in place is consistent with previous administrations. Under our current grant solicitation review process, grant solicitations are prepared by program and regional staff, who then consult with a centralized review to ensure the expenditures of EPA funds are consistent with agency priorities. This process is similar in nature to long standing agency practice for grant awards, under which political appointees heading EPA program and regional offices consult with career staff as they approve or disapprove grants.

       Further, the EPA solicitation review process only addresses competitive grants. State, tribal and local governments receive the vast majority of EPA grant funding on a non-competitive basis for continuing environmental programs and state revolving loan funds for water infrastructure projects. These funds are allocated based on statutory, regulatory or program policy formulas that take into account a variety of factors. The process EPA has established for reviewing competitive solicitations does not impact these grants.

Senator Sanders:

Climate Change

99. During a recent interview with KSNV TV, you stated:

> "Is (global climate change) an existential threat? Is it something that is unsustainable, or what kind of effect or harm is this going to have? I mean, we know that humans have most flourished during times of what? Warming trends. I think there's an assumption made that because the climate is warming, that (warming) is necessarily a bad thing. Do we really know what the ideal surface temperature should be in the year 2100? In the year 2018? I mean it's fairly arrogant for us to think that we know exactly what it should be in 2100."

The Trump Administration's *Climate Science Special Report*, the United Nation's Intergovernmental Panel on Climate Change's *Fifth Assessment Report*, and the Department of Defense's *National Security Implications of Climate-Related Risks and a Changing Climate* report all found with high confidence that global climate change and rising global temperatures are likely to cause rising sea levels and increase crop failures, hunger, illness, and extreme weather. The Department of Defense's report identified these factors as clear risks to the United States' national security.

In January, the National Oceanic and Atmospheric Administration published a technical report that predicted that rising global temperatures could cause global mean sea levels to rise over ten feet by 2100. This sea level rise would displace more than 30 million Americans and mostly or completely cover Cape Canaveral, the U.S. Naval Academy, the Massachusetts Institute of Technology, the John F. Kennedy International and San Francisco International airports, and the Mar-a-Lago resort, among other prominent localities. Given the level of destruction anticipated, would you consider these outcomes to "necessarily be a bad thing"?

In January, the peer-reviewed journal, *Nature Climate Change*, published a report predicting that 260,000 people around the world will die annually by 2100 due to decreasing air quality and rising global temperatures. If global climate change and decreasing air quality were to cause this level of increase in annual deaths, would you consider that outcome to "necessarily be a bad thing"?

In 2012, the independent humanitarian group DARA estimated that between 2012 and 2030, 150,000 people around the world will die annually due to infections and 360,000 people will die annually due to hunger and malnutrition related to rising global temperatures. If a warming climate were to cause this type of increase in illness, would you consider that outcome to "necessarily be a bad thing"?

The Union of Concerned Scientists estimates that if global warming emissions continue to grow unabated, the annual economic impact of more severe hurricanes, residential real-estate losses to sea-level rise, and growing water and energy costs could reach 1.9% of the U.S. GDP by 2100. They also estimate that a sea-level rise of 13-20 inches by 2100

would threaten insured properties in U.S. Northeast coastal communities valued at $4.7 trillion. If a warming climate were to cause these types of economic impacts, would you consider that outcome to "necessarily be a bad thing"?

EPA recognizes the challenges that communities face in adapting to a changing climate. EPA works with state, local and tribal governments to improve infrastructure to protect against the consequences of climate change and natural disasters. EPA also promotes science that helps inform states, municipalities, and tribes on how to plan for and respond to extreme events and environmental emergencies. Moving forward, EPA will continue to advance its climate adaptation efforts, and have reconvened the cross-EPA Adaptation Working Group in support of those efforts.

Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.

Lead

100. You have stated that "[l]ead poisoning is an insidious menace that robs our children of their intellect and their future." This is especially true for children living in communities of color, who are most likely to suffer from lead exposure and poisoning. According to the Center for Disease Control, African American children are over three times as likely to have highly elevated blood-lead levels. African American and Latino communities are often more likely to live near active battery recyclers, industrial sites, or highways, and to live in older housing that are sources of high levels of lead. In addition, a 2012 study found that lead exposure resulted in greater cognitive detriment for children with a lower socioeconomic status. Scientists agree that there is absolutely no acceptable level of lead exposure for children.

Based on your own statement, will you commit to eradicating lead exposure for America's children? How will you work with other leaders in the Administration to ensure the safety of our children, including those in more vulnerable communities?

Since the 1970s, EPA and other federal agencies have implemented numerous actions resulting in a significant reduction of lead exposure throughout our country and significantly lower blood lead levels in children. According to the Centers for Disease Control and Prevention, no safe blood lead level in children has been identified and even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. Now, tackling the problem at this stage will benefit from a coordinated federal-wide effort. To this end, EPA is collaborating with our federal partners to address the remaining exposures and to explore ways to increase our relationships and partnerships with states, tribes, and localities. As Co-chair of the President's Task Force on Environmental Health Risks and Safety Risks to Children, EPA Administrator Scott Pruitt recently hosted a meeting of principals from the 17 Federal departments and agencies on the

President's Task Force. At the meeting, the Task Force members, including EPA Administrator Scott Pruitt, committed to make addressing childhood lead exposure a priority and to quickly develop a new federal strategy to reduce childhood lead exposures. At EPA, this includes identifying and seeking to appropriately address disproportionately high and adverse childhood lead exposure in minority and low-income communities.

101. In 2015, the Natural Resource Defense Council found that more than 18 million Americans were served by community water systems that had violated the EPA's Lead and Copper Rule, which limits the concentration of lead and copper in public drinking water. You estimated it would cost "as much as $30 billion or maybe upward of $50 billion" to replace all the lead service lines across the country, implying that this price tag is too high. However, Fitch Ratings, an independent credit rating agency, has estimated that the capital costs to replace these lines could be over $275 billion. Based on the discrepancy in these figures, please detail how you arrived at your estimate, and explain why it is so much lower than that of Fitch Ratings.

EPA's cost estimate to fully replace all lead service lines is $30-$47 billion.

The EPA cost estimate cost range accounts for uncertainty regarding the total number of lead service lines that remain in service. National surveys completed by the American Water Works Association indicate that between 6.5 and 10 million lead service lines may exist. The expense of a lead service line replacement can vary between $1,200 and $12,300, based on a number of factors, including the replacement technique, the length of the service line, if the replacement is coordinated with other infrastructure work, if the street needs to be cut and repaved, and if landscaping restoration is included. EPA estimates that an average lead service line replacement cost is $4,700 per line. Given the average cost of replacing a lead service line and the estimated range of lead service lines in the country, the total cost of replacing all lead service lines may range from $30 to $47 billion.

We would also note that Fitch Ratings retracted their initial cost estimate of $275 billion on March 8, 2016, just a few days after its initial reporting on March 4, 2016, and provided a revised estimate of "a few billion to $50 billion." Their updated cost estimate is in line with EPA's estimate.
https://www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/08/rating-agency-corrects-lead-pipe-replacement-estimate/81499712/

EPA Website

102. On April 28, 2017, the EPA removed its climate change website. To this day, the removed pages redirect to a notice stating, "we are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." The EPA did not announce the overhaul prior to its start date and has not yet provided a justification for the removals.

According to the Paperwork Reduction Act, all agencies must "provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products." The EPA's announcement regarding its website overhaul was published on the same day that the EPA removed the vast majority of its climate change website, and therefore the public did not have an opportunity to provide comment or express concerns.
Does the EPA generally take public comments into account when making these types of decisions?

Can you please explain how announcing an overhaul of the climate website on the same day changes were made constitutes "adequate notice" under the Paperwork Reduction Act?

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

103. On February 2, 2018, the Associated Press reported that internal EPA emails, released following a Freedom of Information Act request by the Environmental Defense Fund, show that you personally monitored efforts to overhaul the EPA's climate change website. One email from Lincoln Ferguson, an EPA senior advisor for public affairs, states:

> "How close are we to launching this on the website? The Administrator would like it to go up ASAP. He also has several other changes that need to take place."

Did the EPA, under your leadership, remove the content of the EPA's climate change website and replace the removed pages with a notice stating "this page is being updated to reflect the agency's new direction under President Donald Trump and Administrator Scott Pruitt"?

Was this overhaul announced prior to its start date? If not, why not?
Please provide a specific time for the EPA's climate change website to come back online.

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

104. Did the EPA, under your leadership, remove web resources providing information about the benefits of the Clean Power Plan months before the proposed rulemaking to withdraw the rule?

If so, did the EPA remove website information regarding what was, at the time, current EPA policy before initiating the appropriate rulemaking process?

We are constantly updating our website to reflect new initiatives and projects of the Agency. Of course the site will be reflective of the current administration's priorities – with that said, all the content from the previous administration is still easily accessible and publicly available-through the banner across the top of the main page of the site.

Renewable Energy

105. In October 2017, you said that if it were up to you, you would do away with the Renewable Electricity Production Tax Credit and the Investment Tax Credit for wind and solar. You stated:

> "I'd let (solar and wind) stand on their own and compete against coal and natural gas and other sources, and let utilities make real-time market decisions on those types of things as opposed to being propped up by tax incentives and other credits that occur, both in the federal and state level."

As you may know, the United States currently wastes billions of dollars each year subsidizing the fossil fuel industry. Since you believe energy tax credits should be eliminated to let technologies "stand on their own," do you also believe we should eliminate fossil fuel subsidies to let coal, oil and gas "stand on their own" as well? If so, what actions are you taking to eliminate the unfair subsidization of certain energy resources?

My personal view is that the federal government ought not use the tax code to pick winners and losers. As you may know, it is the province of the legislative branch to establish tax credits. EPA does not have a formal role in this process.

Senator Van Hollen:

106. You have noted repeatedly – more than a dozen times in your appearances before Congress and in your testimony for today– that EPA's only authority is the "rule of law" or "the authority given to it by Congress".

The updates to the Toxic Substances Control Act Congress enacted in 2016 directed EPA to assess the safety of new chemicals before they go onto the market. The law says that EPA, quote, "shall issue an order" regulating the chemical in order to protect against the danger the new chemical may pose.

On January 17th of this year, you told CBS News that EPA should not regulate new chemicals using orders even though the law clearly says otherwise. Your views appear to be in direct conflict with the law Congress wrote.

Mr. Pruitt, will you direct EPA staff to issue orders to regulate the safety of new chemicals under all circumstances in which the law says that orders are required?

As directed by Congress, under TSCA, EPA reviews new chemicals for unreasonable risk, and where necessary takes action to protect against such risk before a new chemical may be commercialized. Where EPA makes one of the determinations that call for an order under the statute – for example, that there is insufficient information to permit a reasoned evaluation of the chemical's effects – EPA will issue an order.

107. I appreciated your recent announcement that that you have decided not to abandon proposed EPA oversight of the massive Pebble Mine, leaving restrictions in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. Given EPA's role in this process, would you say that EPA can contribute valuable feedback to the development of projects, be they energy, mining, or transportation? Given EPA's valuable feedback, would you object to efforts to roll back EPA's responsibilities to provide input on infrastructure projects?

Regarding the Pebble Mine project, EPA's decision to suspend its proposal to withdraw the proposed determination under Clean Water Act section 404(c) does not impede the review of Pebble Limited Partnership's permit application by the Army Corps of Engineers under the normal Clean Water Act process. However, the Corps cannot issue a permit during the pendency of the section 404(c) process, and EPA will ensure protection of the world-class fishery in the Bristol Bay region. EPA looks forward to working with the Corps as the Corps assesses the permit application.

As to your broader question, EPA strongly supports the President's infrastructure initiatives and associated efforts to significantly improve predictability, timeliness, and consistency in the permitting of urgently needed infrastructure projects. The Agency is working under the President's direction to streamline and improve EPA's role in the review of new infrastructure projects to help to assure they are reviewed and permitting decisions are made without unnecessary delay.

Senator Wicker:

108. Do you support providing hardship exemptions from Renewable Fuel Volume Obligations (RVOs) for small refineries experiencing disproportionate economic impacts from high RIN prices?

Section 211(o)(9)(B) of the CAA and 40 CFR 80.1441(e)(2) allow EPA to grant an extension of a small refinery's exemption from compliance with its renewable fuel volume obligations for a given year based on a small refinery's demonstration of "disproportionate economic hardship" in that year. The statute also directs EPA to consult with the Department of Energy (DOE) in evaluating small refinery exemption petitions. EPA will grant a hardship exemption if we conclude, after review of available information and in consultation with DOE, that a refinery will experience disproportionate economic hardship that can be relieved in whole or in part by removing its RFS obligations for that year.

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/11/2018 7:33:02 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: QFRs from Adm. Pruitt EPW Hearing 01.30.2018
Attachments: 2018.05.11 - Administrator Pruitt QFRs EPW 01.30.2018.docx

Below (with the relevant question number):

1. At the beginning of this Administration, prior to your confirmation, EPA alleged that Wyoming contributed to ozone problems in Douglas County, Colorado under the 2008 ozone National Ambient Air Quality Standards (NAAQS). To reach this conclusion, EPA applied a methodology designed for Eastern states.

   Western states have different topographies, higher altitudes, and different weather patterns than Eastern states. In addition, Western states have higher frequencies of wildfires than the East. Under EPA's "one-size-fits-all" model, EPA projected that a tiny amount of emissions would move from Wyoming to Colorado. EPA then imposed additional regulatory burdens on Wyoming. I raised my serious concerns and objections to EPA's action in a recent letter to you on January 19, 2018 (attached).

   In your oral testimony, you stated that EPA is evaluating challenges with international air transport. In a February 1, 2018 response to my letter from Bill Wehrum, Assistant Administrator for the Office of Air and Radiation (attached), he stated EPA plans to work with states "early this year to provide more information and flexibility as [states] look to address interstate transport issues under the 2015 ozone NAAQS." Will EPA also address any remaining interstate transport issues concerning other NAAQS, including the 2008 ozone NAAQS issue identified in my letter? If so, do you have an anticipated timeline for addressing these issues?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

16. On March 24, 2017, you issued an agency-wide memorandum[1] on implementation of Executive Order 13777[2], which announced members of EPA's Regulatory Reform Task Force, appointed Samantha Dravis to serve as EPA's Regulatory Reform Officer, directed certain program offices to recommend rules for repeal, replacement, or modification, and directed all program offices to seek public input on existing regulations and report findings to the Task Force by May 15, 2017. On April 13, 2017, EPA issued a Federal Register notice: Evaluation of Existing Regulations[3]. The comment period closed on May 15, 2017 and EPA received over 460,000 comments, which were published online. The Task Force also led implementation of the Section 2 review in Executive Order 13783, Promoting Energy Independence and Economic Growth. EPA subsequently published a report pursuant to EO 13783 in October 2017. It is unclear whether the Task Force has been active since then or was involved in projects outside of what is discussed above. Accordingly, with regard to the Task Force, please provide us with:
    a. A complete list of who has or is currently serving on the Task Force, including their professional title and office at EPA, and their dates of membership on the Task Force.

Deliberative Process / Ex. 5

    b. Please state whether the Task Force has consulted with non-EPA employees during the course of its work and, if so, please provide a list of their names and employers, and on what rules they have been consulted.

Deliberative Process / Ex. 5

[1] https://www.epa.gov/laws-regulations/memorandum-executive-order-13777-enforcing-regulatory-reform-agenda
[2] https://www.federalregister.gov/documents/2017/03/01/2017-04107/enforcing-the-regulatory-reform-agenda
[3] https://www.federalregister.gov/documents/2017/04/13/2017-07500/evaluation-of-existing-regulations

c. A list of meeting dates and topics for Task Force meetings held thus far and scheduled to be held this year. Please provide copies of any agendas that were circulated prior to each meeting.

Deliberative Process / Ex. 5

d. All documents created by or for the Task Force, (including emails, memos, white papers, meeting minutes, correspondence, and comments that cannot be found on the regulations.gov website).

Deliberative Process / Ex. 5

2. Proper financial management of the Superfund program is critical to its success. Since 1999, federal funding for the Superfund program has declined from about $2 billion to about $1.1 billion annually, and the rate of contamination threat reduction at Superfund sites has declined. During your hearing, you repeatedly stated that you had visited states throughout the country and discussed the Superfund and that the cleanup of sites would require "direction and leadership." The Chairman of the Superfund Task Force is charged with developing and implementing recommendations to improve the work of the Superfund program.
   a. Mr. Kelly had no previous experience in environmental policy or management when you named him to Chair the Superfund Task Force.
      i. What experience did he have that you believe qualified him to serve as Chair?
      ii. What experience does he have that you believe qualify him to serve as your Senior Advisor?
   b. What responsibilities was Albert Kelly given as Chairman of the EPA Superfund Task Force during the production of the Superfund Task Force Recommendations? What is his role and responsibility as Chair now that the Task Force has released its recommendations?
   c. What responsibilities was Albert Kelly given as Senior Advisor at the EPA? What specific policy areas and programs will he be responsible for in this role?

Deliberative Process / Ex. 5

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Personal Matters / Ex. 6

From: Shimmin, Kaitlyn
Sent: Friday, May 11, 2018 3:18 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: QFRs from Adm. Pruitt EPW Hearing 01.30.2018

Tony, can you please pull the three questions that were changed from the last sign off into the body of the e-mail? Thank you!

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Personal Matters / Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Frye, Tony (Robert)
Sent: Friday, May 11, 2018 3:16 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: QFRs from Adm. Pruitt EPW Hearing 01.30.2018

Hey Troy – Attached is the final version of the QFRs from Administrator Pruitt's EPW hearing on January 30th. Everything has been cleared internally and through OMB, including any relevant updates that needed to be made to conform with actions the Agency has taken since the hearing. Please take a look this weekend and let us know if you have any thoughts or edits. Our intention is to have everything finalized by **noon Monday, May 14th**, for submission back to the committee.

Thanks,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Personal Matters / Ex. 6

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 5/11/2018 7:16:09 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: QFRs from Adm. Pruitt EPW Hearing 01.30.2018
Attachments: 2018.05.11 - Administrator Pruitt QFRs EPW 01.30.2018.docx

Hey Troy – Attached is the final version of the QFRs from Administrator Pruitt's EPW hearing on January 30th. Everything has been cleared internally and through OMB, including any relevant updates that needed to be made to conform with actions the Agency has taken since the hearing. Please take a look this weekend and let us know if you have any thoughts or edits. Our intention is to have everything finalized by **noon Monday, May 14th**, for submission back to the committee.

Thanks,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Personal Matters / Ex. 6

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 5/10/2018 9:11:32 PM
To: Wilcox, Jahan [wilcox.jahan@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: RE: Hot Topics--Senate Approps
Attachments: Senate Appropriations-HOT TOPICS.docx

Updated with my first stab at providing answers.

From: Lyons, Troy
Sent: Thursday, May 10, 2018 4:47 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Aaron Ringel (ringel.aaron@epa.gov) <ringel.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Hot Topics--Senate Approps
Importance: High

Team—please see the attached hot topics document. The plan is to provide this document to the Administrator by COB tomorrow so he can have it over the weekend. Please do not forward to anyone beyond this distribution.

Tony—could you please take the lead in helping to divvy up the questions?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Personal Matters / Ex. 6 (cell)

Message

From: Munoz, Charles [munoz.charles@epa.gov]
Sent: 4/14/2018 11:17:23 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Bowman, Liz [Bowman.Liz@epa.gov]; Leopold, Matt [Leopold.Matt@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]
Subject: Re: Draft OIG Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions

Tate is not an SES, she's a Schedule C, and yes, the WH has to approve all Schedule C's and SES appointees.

Charles Munoz
White House Liaison

> On Apr 14, 2018, at 7:02 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> Charles can answer that.
>
>
>
>
>
>
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
>
>
>
>> On Apr 14, 2018, at 7:01 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:
>>

Personal Matters / Ex. 6

Deliberative Process / Ex. 5

>>
>> Sent from my iPhone
>>
>>> On Apr 14, 2018, at 5:52 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>
>>> So to come full circle, the OIG would not provide me an unredacted copy of the report, but the following are the people involved.
>>>
>>> Employee A is Sarah Greenwalt
>>> Employee B is Millan Hupp
>>> Employee C is Forrest McMurray
>>> Employee D is Liz Bowman
>>> Employee E is Kevin Chmeileiski
>>> Employee F is Brittany Bolen (who has since received a promotion and raise)
>>> Employee G is Lincoln Ferguson

Deliberative Process / Ex. 5

>>>
>>> I would like to email this to Art in advance of Monday morning. Will you let me know any of your thoughts?
>>>
>>>
>>> From: Trefry, John
>>> Sent: Friday, April 13, 2018 5:35 PM
>>> To: Jackson, Ryan <jackson.ryan@epa.gov>
>>> Cc: Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>
>>> Subject: FW: Draft OIG Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions
>>>
>>> Ryan Jackson,
>>>
>>> Please see the below e-mail that was sent to you and others on April 11 at 3:44 PM.
>>>
>>> Than You
>>> John Trefry
>>> Director, Forensic Audits
>>>
>>> From: Trefry, John
>>> Sent: Wednesday, April 11, 2018 3:44 PM
>>> To: Pruitt, Scott <Pruitt.Scott@epa.gov<mailto:Pruitt.Scott@epa.gov>>; Jackson, Ryan <jackson.ryan@epa.gov<mailto:jackson.ryan@epa.gov>>; Minoli, Kevin <Minoli.Kevin@epa.gov<mailto:Minoli.Kevin@epa.gov>>; Leopold, Matt <Leopold.Matt@epa.gov<mailto:Leopold.Matt@epa.gov>>; Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; Vizian, Donna <Vizian.Donna@epa.gov<mailto:Vizian.Donna@epa.gov>>
>>> Subject: Draft OIG Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions
>>>
>>> Attached is a Draft Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions (Project No. OA&E-FY-18-0085) which identifies certain factual information related to our ongoing audit of Administratively Determined Positions.
>>>
>>> Please review the attached draft report.
>>>
>>> We do not distribute draft reports to the general public; therefore, you are not authorized to distribute or disclose this information or its contents outside your organization, except to your staff for review and comment.
>>>
>>> If you have and questions, please contact me at (202) 566-2474.
>>>
>>> John Trefry, CPA, CFE, MPA
>>> US Environmental Protection Agency
>>> Office of the Inspector General
>>> Office of Audit and Evaluations – Forensic Audits
>>> Washington DC
>>> 202-566-2474
>>>
>>>
>>> <Draft Management Alert Report OA&E_FY18_0085.pdf>

Message

From: Elkins, Arthur [Elkins.Arthur@epa.gov]
Sent: 4/16/2018 2:34:13 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Sheehan, Charles [Sheehan.Charles@epa.gov]; Larsen, Alan [Larsen.Alan@epa.gov]; Levine, Scott [Levine.Scott@epa.gov]; Christensen, Kevin [Christensen.Kevin@epa.gov]; Trefry, John [Trefry.John@epa.gov]; Hanger, Eric [Hanger.Eric@epa.gov]
Subject: FW: Unredacted (clean) attachment - Management Alert
Attachments: Combined_unredacted.pdf

Ryan,

As requested, please find attached the unredacted agency records re subject.

Art

From: Levine, Scott
Sent: Monday, April 16, 2018 10:21 AM
To: Larsen, Alan <Larsen.Alan@epa.gov>
Cc: Elkins, Arthur <Elkins.Arthur@epa.gov>
Subject: Unredacted (clean) attachment - Management Alert

Al,

As requested, attached is a clean (unredacted) version of the attachments to the Alert that mirrors the redacted file – i.e. it has a demarcation for each appendix (A-G), the same way the redacted version is presented.

Please let me know if I can provide any additional assistance.

Scott

Appendix A: Employee A

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
GREENWALT, SARAH A	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03/08/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P. L. 95-190
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization

15. TO: Position Title and Number
SENIOR ADVISOR TO THE ADMINISTRATOR

A0000000 0017022

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	97956	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
97956	0	97956	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/08/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 15	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks

APPOINTMENT AFFIDAVIT EXECUTED 03-08-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
FROZEN SERVICE NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
APPOINTMENT IS INDEFINITE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	03/08/2017

50. Signature/Authentication and Title of Approving Official
170593962 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 3/8/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appointment		2. Request Number: IO-2017-057
3. For Additional Information Call (Name and Telephone Number): Felicia Peppins	Local Tracking No:	4. Proposed Effective Date: 03/06/2017
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Michael Flynn Acting Deputy Administrator 2/28/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator	

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Greenwalt, Sarah 2335377	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03-08-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
ZLM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
	Senior Advisor to the Administrator 17022

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$97,956.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	A0000000 - USEPA, Office of the Administrator Immediate Office Washington, DC 20460

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other; 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	0 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES ☐ NO ☒

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
1	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	03-08-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	N	17/18 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
15	2013	220101	—	1 (1 - USA, 8 - Other)	☒	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ann Hackley	03-08-17
B. PSB		3/7/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature: Ann Hackley	Approval Date: 03-08-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: 03-08-17.
M39: Creditable Military Service: None.
M40: Previous Retirement Coverage: Never Covered.
M45: Employee is automatically covered under FERS.
K18: Employee position is at the full performance level.
ZZZ: This position is designated for Drug Testing.
ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.
E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
GREENWALT, SARAH A	Personal Matters / Ex. 6	Personal Matters / Ex. 6	07/09/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
Y7M	SCH C, 213.33SCH C, 213.3321 AGE
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number
SENIOR ADVISOR TO THE ADMINISTRATOR
A0000000 0017022

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	97956	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
97956	0	97956	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
SENIOR ADVISOR TO THE ADMINISTRATOR
FOR WATER & CROSS CUTTING INITIATIVES
A0000000 0017026

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	13	05	107435	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
84528	22907	107435	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/08/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 15	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	07/12/2017

50. Signature/Authentication and Title of Approving Official
171236831 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

FPRS 7/12/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to Schedule C Appt.	2. Request Number: IO-2017-111
3. For Additional Information Call (Name and Telephone Number): Felicia Peppins — Local Tracking No:	4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Greenwalt, Sarah	Personal Matters / Ex. 6		07-09-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
9TM	Sch C 213.3321 Agency-Unique		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
	Schedule C Authority		

7. FROM: Position Title and Number	15. TO: Position Title and Number
Special Advisor to the Administrator	170240 Senior Advisor to the Administrator for Water & Cross Cutting Initiatives

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00			GS	0301	13	05	$107,435.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
Same →	A0000000 - USEPA, Office of the Administrator Immediate Office Washington, DC 20460

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference
1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%	3 — 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		YES NO for RIF

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 — 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved	E	17/18 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 - USA 8 - Other		N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ann Dackey	07-11-17
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature: Ann Dackey	Approval Date: 07-11-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M39 - Creditable Military Service: None
M40 - Previous Retirement Coverage: Previously Covered
M45 - Employee is automatically covered under FERS.
ZZZ - This position is designated for Drug Testing.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
GREENWALT, SARAH A	Personal Matters / Ex. 6	Personal Matters / Ex. 6	04/01/2018

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number
SENIOR ADVISOR TO THE ADMINISTRATOR
FOR WATER & CROSS CUTTING INITIATIVES
A0000000 0017026

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	13	05	109900	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
85712	24188	109900	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
SENIOR COUNSEL TO THE ADMINISTRATOR
A0000000 AD09050

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0905	00	00	164200	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
136659	27541	164200	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/08/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 15	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
APPOINTMENT IS INDEFINITE.
OPF MAINTAINED BY US EPA, HRMD, MD-C639-02, RTP, NC 27711.
HEALTH BENEFITS COVERAGE CONTINUES.
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO A CAREER-CONDITIONAL OR CAREER APPOINTMENT.

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	04/01/2018

50. Signature/Authentication and Title of Approving Official
180569123 / ELECTRONICALLY SIGNED BY:
JEREMY A. TAYLOR
HUMAN RESOURCES OFFICER

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested AD Appointment	2. Request Number AO-2018-015
3. For Additional Information Call *(Name and Telephone Number)* Felicia Peppins - 202-564-7428	4. Proposed Effective Date ASAP
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)* Ryan T. Jackson, Chief of Staff 3/9/18	6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date* E. Scott Pruitt, Administrator 3/9/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*	2. Social Security Number	3. Date of Birth	4. Effective Date
Greenwalt, Sarah			

FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
Senior Advisor to the Administrator for Water and Cross Cutting Initiaves	Senior Advisor to the Administrator

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	301	13	05	$109,900.00	PA	AD	301	00		$16,420.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency Office of the Administrator, Immediate Office	A0000000 - Environmental Protection Agency Office of the Administrator, Immediate Office

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%	0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite		☐ YES ☐ NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved	E - Exempt; N - Nonexempt	18/19 B 11A 000ME8	

38. Duty Station Code	39. Duty Station *(City - County - State or Overseas Location)*
11-0011-001	Washington, DC

40. AGENCY DATA	41.	42.	43.	44.

45. EDUCATIONAL LEVEL	46 YR.DEGREE ATTAINED	47. Academic Discipline	48 FUNCTIONAL CLASS	49. CITIZENSHIP	50. Vietnam Era Vet	51. SUPERVISORY STATUS
				1-USA 8-OTHER		

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date

CONTINUED ON REVERSE **OVER**

52-118

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Sarah Greenwalt
- **WORK PHONE:**
- **WORK EMAIL:** Greenwalt.Sarah@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** Schedule C 13/5
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Advisor to the Administrator for Water and Cross-Cutting Initiatives
- **Is position being backfilled (Y/N/TBD):** N

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD 15/10
- **OFFICE:** AO
- **SUBOFFICE:** IO
- **POSITION TITLE:** Senior Counsel to the Administrator
- **JOB DESCRIPTION:** PDF attached

AO-2018-015

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Salary Justification for Sarah Greenwalt, Senior Counsel to the Administrator

FROM: Ryan Jackson, Chief of Staff

TO: Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

This memo will serve as a salary justification for Ms. Greenwalt. I'm approving the appointment of Ms. Greenwalt at a salary equivalent to a Grade 15, Step 10 in the D.C. region. Ms. Greenwalt has a law degree and has been the leading advisor to the Administrator for nearly a year on water policy and international affairs. She has shown to have knowledge of broad-ranging policies and leaderships skills since she began. Based on the reason's listed above, I believe that Ms. Greenwalt will have an immediate, positive impact on one of the agency's most important office's and that her compensation should reflect her value to the agency.

Ryan Jackson
Chief of Staff
3/09/2018

Printed on Recycled Paper

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

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Sarah Greenwalt to serve as Senior Advisor to the Administrator. Ms. Greenwalt will be compensated at the rate of $164, 200 per annum.

E. Scott Pruitt
Administrator

Appendix B: Employee B

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
HUPP, MILLAN	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03/13/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 170	5-B. Nature of Action: EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: ZLM	5-D. Legal Authority: P. L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number

15. TO: Position Title and Number
DEP DIR OF SCHEDULING AND ADVANCE
A0000000 0017018

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	66510	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
52329	14181	66510	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/13/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks
FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 03-13-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
APPOINTMENT IS INDEFINITE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code: EP00

48. Personnel Office ID: 3216

49. Approval Date: 03/06/2017

50. Signature/Authentication and Title of Approving Official
170562567 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

5-Part 50-316

2 - OPF Copy - Long-Term Record - DO NOT DESTROY

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6238

FAS 03.15.17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested	Administratively Determined Appointment
2. Request Number	IO-2017-056
3. For Additional Information Call (Name and Telephone Number)	Felicia Peppins
Local Tracking No:	
4. Proposed Effective Date	03/05/2017
5. Action Requested By (Typed Name, Title, Signature and Request Date)	Michael Flynn Acting Deputy Administrator 2/23/17
6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date)	E. Scott Pruitt / Administrator

1. Name	Hupp, Millan	2. Social Security Number	Personal Matters / Ex. 6
3. Date of Birth	Personal Matters / Ex. 6	4. Effective Date	03-13-17

5-A. Code	170	5-B. Nature of Action	Excepted Appt
5-C. Code	2un	5-D. Legal Authority	P.L. 95-190
5-E. Code		5-F. Legal Authority	
6-A. Code		6-B. Nature of Action	
6-C. Code		6-D. Legal Authority	
6-E. Code		6-F. Legal Authority	

7. FROM: Position Title and Number

15. TO: Position Title and Number 17018
Deputy Director of Scheduling and Advance

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$ 66,510	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
A0000000 - USEPA, Office of the Administrator
Immediate Office
Washington, DC 20460

23. Veterans Preference: 1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other)	24. Tenure: 3 (0 - None, 2 - Conditional, 1 - Permanent, 3 - Indefinite)	25. Agency Use	26. Veterans Preference for RIF: YES [ ] NO [X]
27. FEGLI: C	28. Annuitant Indicator: 9		29. Pay Rate Determinant: 0
30. Retirement Plan: RF	31. Service Comp. Date (Leave): 03-13-17	32. Work Schedule: F	33. Part Time Hours Per Biweekly Pay Period: 00
34. Position Occupied: 2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	35. FLSA Category: N	36. Appropriation Code: 17/18 B 11A ZZZME8	37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001	39. Duty Station: Washington, DC 20460		

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship (1 - USA, 8 - Other)	50. Veterans Status	51. Supervisory Status
13	2014	4451001	—	1	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Paul Dackey	03.06.17
B. PSB		3/16/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: Paul Dackey

Approval Date: 03.06.17

CONTINUED ON NEXT PAGE

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NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: 03-13-17

M39: Creditable Military Service: None

M40: Previous Retirement Coverage: Never Covered

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

ZZZ: This position is designated for Drug Testing.

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
HUPP, MILLAN	Personal Matters / Ex. 6	Personal Matters / Ex. 6	07/09/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
002	CORRECTION
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
570	CONV TO EXC APPT
6-C. Code	6-D. Legal Authority
Y7M	SCH C, 213.33SCH C, 213.3322 AGE
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
DEP DIR OF SCHEDULING AND ADVANCE
A0000000 0017018

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	66510	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
52329	14181	66510	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
DIRECTOR OF SCHEDULING AND ADVANCE
A0000000 0017025

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	11	10	86460	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
68025	18435	86460	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: B0 WAIVED FEGLI COVERAGE

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/13/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 2	POSITION SENSITIVITY MODERATE RISK

45. Remarks
CORRECTS ITEM NUMBER 35 FROM N - NONEXEMPT

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code: EP00

48. Personnel Office ID: 3216

49. Approval Date: 01/03/2018

50. Signature/Authentication and Title of Approving Official
180008549 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

5-Part 50-316

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NSN 7540-01-333-6238

FPPS 7/13/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

PART A - REQUEST FOR PERSONNEL ACTION *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Actions Requested: Conversion to Schedule C. Appt.
2. Request Number: IO-2017-109
3. For Additional Information Call *(Name and Telephone Number)*: Ramona Mullen Miles (HR- Howard Barnett)
Local Tracking No:
4. Proposed Effective Date
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson Chief of Staff
6. Action Authorized By *(Typed Name, Title, Signature, and Concurrence Date)*: E. Scott Pruitt / Administrator

PART B - PERSONNEL ACTION *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name: Hupp, Millan
2. Social Security Number: Personal Matters / Ex. 6
3. Date of Birth
4. Effective Date: 07-09-17

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: Conv to Excepted Appt	6-A. Code	6-B. Nature of Action
5-C. Code: 47M	5-D. Legal Authority: Sch C, 213.3322 Agency Unique	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority: Schedule C Authority dated 07/05/17	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number: Deputy Director of Scheduling and Advance
15. TO: Position Title and Number: Director of Scheduling and Advance 17025

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	$66,510.00		GS	0301	11	10	$86,460.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization
A0000000 - USEPA, Office of the Administrator
Immediate Office
Washington, DC 20460

22. Name and Location of Position's Organization
A0000000 - USEPA, Office of the Administrator
Immediate Office
Washington, DC 20460

EMPLOYEE DATA

23. Veterans Preference: 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: YES NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 2 - 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved
35. FLSA Category: E
36. Appropriation Code: 17/18 B 11A ZZZME8
37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001
39. Duty Station: Washington, DC 20460
40. Agency Data
41.
42.
43.
44.
45. Educational Level
46. Year Degree Attained
47. Academic Discipline
48. Functional Class
49. Citizenship: 1 - USA 8 - Other
50. Veterans Status
51. Supervisory Status: S

PART C - APPROVALS *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ann Jackley	07-13-17
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature: Ann Jackley
Approval Date: 07-13-17

CONTINUED ON NEXT PAGE

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NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39: Creditable Military Service: None
M40: Previous retirement Coverage: Previously Covered
M45: Employee is automatically covered under FERS
E01: Appointment is indefinite.
ZZZ: This appt does not confer eligibility to be noncompetitively converted to Career-Cond. or Career Appointment
ZZZ: This Position is designated for Drug Testing

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
HUPP, MILLAN	Personal Matters / Ex. 6	Personal Matters / Ex. 6	04/01/2018

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: CONV TO EXC APPT	6-A. Code:	6-B. Nature of Action:
5-C. Code: ZLM	5-D. Legal Authority: P.L. 95-190	6-C. Code:	6-D. Legal Authority:
5-E. Code:	5-F. Legal Authority:	6-E. Code:	6-F. Legal Authority:

7. FROM: Position Title and Number	15. TO: Position Title and Number
DIRECTOR OF SCHEDULING AND ADVANCE A0000000 0017025	DIR OF SCHEDULING & ADVANCE A0000000 AD03010

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	11	10	88450	PA	AD	0301	00	00	114590	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
68983	19467	88450	0	89370	25220	114590	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE ADMINISTRATOR WASHINGTON,DC	ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE ADMINISTRATOR WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES: ; NO: X

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
B0 WAIVED FEGLI COVERAGE	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KF FERS-FRAE & FICA	03/13/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

```
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
APPOINTMENT IS INDEFINITE.
OPF MAINTAINED BY US EPA, HRMD, MD-C639-02, RTP, NC 27711.
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO A CAREER-CONDITIONAL OR CAREER APPOINTMENT.
HEALTH BENEFITS COVERAGE CONTINUES.
```

46. Employing Department or Agency	47. Agency Code	48. Personnel Office ID	49. Approval Date
EP - ENVIRONMENTAL PROTECTIO	EP00	3216	04/01/2018

50. Signature/Authentication and Title of Approving Official
180569043 / ELECTRONICALLY SIGNED BY:
JEREMY A. TAYLOR
HUMAN RESOURCES OFFICER

5-Part 50-316

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NSN 7540-01-333-6238

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested: AD Appointment	2. Request Number: AO-2018-014
3. For Additional Information Call *(Name and Telephone Number)*: Felicia Peppins - 202-564-7428	4. Proposed Effective Date: ASAP
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson, Chief of Staff 3/9/18	6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date)*: E. Scott Pruitt, Administrator 3/9/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*	2. Social Security Number	3. Date of Birth	4. Effective Date
Hupp, Millian			

FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
Director of Scheduling and Advance	Director of Scheduling and Advance

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	301	11	10	$88,450.00	PA	AD	301	00		$114,590.00	PA
12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay			20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay		

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency Office of the Administrator, Immediate Office	A0000000 - Environmental Protection Agency Office of the Administrator, Immediate Office

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%	0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite		☐ YES ☐ NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved	E - Exempt; N - Nonexempt	18/19 B 11A 000ME8	

38. Duty Station Code	39. Duty Station *(City - County - State or Overseas Location)*
11-0011-001	Washington, DC

40. AGENCY DATA	41.	42.	43.	44.
45. EDUCATIONAL LEVEL	46. YR. DEGREE ATTAINED	47. Academic Discipline	48. FUNCTIONAL CLASS	49. CITIZENSHIP 1-USA 8-OTHER

50. Vietnam Era Vet	51. SUPERVISORY STATUS

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date

CONTINUED ON REVERSE OVER

52-118

14 POINTS MEMO: Personnel Change Approval Request

AGENCY: EPA

APPOINTEE INFORMATION

- **NAME:** Millan Hupp
- **WORK PHONE:**
- **WORK EMAIL:** Hupp.Millan@epa.gov
- **PLACE OF BIRTH:** Personal Matters / Ex. 6

Resume Attached

CURRENT POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** SKC
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Deputy Director of Scheduling and Advance
- **Is position being backfilled (Y/N/TBD):** TBD

PROPOSED NEW POSITION

- **APPT TYPE (Schedule C, NC-SES, XS, AD):** AD GS 14-1 ($114,590)
- **OFFICE:** AO
- **SUBOFFICE:** Office of Scheduling and Advance
- **POSITION TITLE:** Director of Scheduling and Advance
- **JOB DESCRIPTION:** PDF Attached

AO-2018-014

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Salary Justification for Millan Hupp, Director of Scheduling and Advance

FROM: Ryan Jackson, Chief of Staff

TO: Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

This memo will serve as a salary justification for Ms. Hupp, I'm approving the appointment of Ms. Hupp at a salary equivalent to a Grade 14, Step 1 in the D.C. region, Ms. Hupp has been leading the scheduling and advance for the Administrator for over a year and is well respected throughout the agency. She has shown unparalleled work-ethic and organizational skills since she began. Based on the reason's listed above, I believe that Ms. Hupp will have an immediate, positive impact on one of the agency's most important office's and that her compensation should reflect her value to the agency.

Ryan Jackson
Chief of Staff
3/09/2018

Printed on Recycled Paper

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

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Millian Hupp to serve as Director of Scheduling and Advance to the Administrator. Ms. Hupp will be compensated at the rate of $114,590 per annum.

E. Scott Pruitt
Administrator

Appendix C: Employee C

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
MCMURRAY, FORREST W	Personal Matters / Ex. 6	Personal Matters / Ex. 6	05/07/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
170	EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number

15. TO: Position Title and Number
SPEC ASST FOR SCHEDULING AND ADVANCE

A0000000 0170320

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	44941	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
35359	9582	44941	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR

WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 05/07/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks

FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 05/08/17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT.
APPOINTMENT IS INDEFINITE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	05/04/2017

50. Signature/Authentication and Title of Approving Official
170791017 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

ECI: 2335397

FPPS 5/8/17

SF 52 (E Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appointment	2. Request Number: IO-2017-088
3. For Additional Information Call (Name and Telephone Number): Felicia Peppins (HR- Howard Barnett) Local Tracking No:	4. Proposed Effective Date: 05/08/2017
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
McMurray, Forrest W.	Personal Matters / Ex. 6	Personal Matters / Ex. 6	5-7-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
2LM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number

15. TO: Position Title and Number 17032
Special Assistant for Scheduling and Advance

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$44,941.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
A0000000 - U.S. Environmental Protection Agency, Office of the Administrator, Immediate Office

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 2 - 5-Point, 3 - 10-Point/Disability, 4 - 10-Point/Compensable, 5 - 10-Point/Other, 6 - 10-Point/Compensable/30%)	3 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
CO	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF		F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	N	1718 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
13	2016	520301		1 (1 - USA, 8 - Other)	N	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staffing	A. Feeder	5/4/17
B. PSB	[signature]	4/24/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: [signature] Approval Date: 5/4/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

A30: This appointment does not confer eligibility to be noncompetitively converted to career-conditional or career appointment.
E01: Appointment Indefinite
K18: Position at full performance level
M01: Appointment affidavit executed on 05/08/2017
M39: Creditable military service: None
M40: Previous Retirement Coverage: None
M45: Employee is automatically covered under FERS.
Z66: This position is designated for Drug Testing.

FPPS
7/20/16

SF 52 (EZ Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to Schedule C Appt.

2. Request Number: IO-2017-113

3. For Additional Information Call (Name and Telephone Number): Felicia Peppins 202-564-7428 (HR- Howard Barnett)

Local Tracking No:

4. Proposed Effective Date: ASAP

5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff

6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name: McMurray, Forrest W.

2. Social Security Number: Personal Matters / Ex. 6

3. Date of Birth:

4. Effective Date: 07-16-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Excepted Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
97M	Sch C, 213.3324 Agency-Unique		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
	Schedule C Authority dated 07-13-17		

7. FROM: Position Title and Number: Same →

15. TO: Position Title and Number: 17027
Special Assistant for Scheduling & Advance

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	$44,941		GS	0301	07	01	$44,941.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization: Same →

22. Name and Location of Position's Organization: A0000000 - U.S. Environmental Protection Agency, Office of the Administrator, Immediate Office

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other; 2 - 5-Point; 4 - 10-Point/Compensable; 6 - 10-Point/Compensable/30%

24. Tenure: 0 - None; 2 - Conditional; 1 - Permanent; 3 - Indefinite

25. Agency Use

26. Veterans Preference for RIF: YES / NO

27. FEGLI

28. Annuitant Indicator

29. Pay Rate Determinant

30. Retirement Plan

31. Service Comp. Date (Leave)

32. Work Schedule

33. Part Time Hours Per Biweekly Pay Period

34. Position Occupied: 2 — 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved

35. FLSA Category: N

36. Appropriation Code: 1718 B 11A ZZZME8

37. Bargaining Unit Status: 8888

38. Duty Station Code

39. Duty Station: Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship (1 - USA, 8 - Other)	50. Veterans Status	51. Supervisory Status
						N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ann Hackley	07-19-17
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: Ann Hackley

Approval Date: 07-19-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M39: Creditable Military Service: NONE

M40: Previous Retirement Coverage: Previously Covered

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

M38: Frozen Service: 00-00

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
MCMURRAY, FORREST W	Personal Matters / Ex. 6	Personal Matters / Ex. 6	02/18/2018

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L. 95-190
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number
SPEC ASST FOR SCHEDULING AND ADVANCE
A0000000 0017027

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	07	01	45972	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
35854	10118	45972	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
SENIOR ADVANCE ASSOCIATE
A0000000 AD18011

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	56233	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
43857	12376	56233	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 05/07/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: N (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
APPOINTMENT IS INDEFINITE.
OPF MAINTAINED BY U.S. EPA, HRMD, MD C639-02, RTP, NC 27711
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT.

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	02/18/2018

50. Signature/Authentication and Title of Approving Official
180483764 / ELECTRONICALLY SIGNED BY:
JEREMY A. TAYLOR
HUMAN RESOURCES OFFICER

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

1. Action Requested: Conversion - AD Appt.
2. Request Number: IO-2018-035
3. For Additional Information Call *(Name and Telephone Number)*: Ramona Mullen
4. Proposed Effective Date:
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson, Chief of Staff 1/17/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date)*: E. Scott Pruitt, Administrator 1/17/18

1. Name *(Last, First, Middle)*: McMurray, Forrest
2. Social Security Number: Personal Matters / Ex. 6
3. Date of Birth:
4. Effective Date: 2-18-2018

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Exc Appt.		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
ZLM	P.L. 95-190		
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number
Special Asst. for Scheduling & Advance

15. TO: Position Title and Number
Senior Advance Associate
#AD18011

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	07	01	$45,972	PA
12A. Basic Pay	12B. Locality Adj	12C. Adj. Basic Pay	12D. Other Pay		

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	$56,233	PA
20A. Basic Pay	20B. Locality Adj	20C. Adj. Basic Pay	20D. Other Pay		

14. Name and Location of Position's Organization
US, EPA - OFFICE OF THE ADMINISTRATOR
IMMEDIATE OFFICE A0000000

22. Name and Location of Position's Organization
US, EPA - OFFICE OF THE ADMINISTRATOR
IMMEDIATE OFFICE A00000000

23. Veterans Preference: 1 (1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%)
24. Tenure: 3 (0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite)
25. Agency Use:
26. Veterans Preference for RIF: ☐ YES ☒ NO
27. FEGLI: CO
28. Annuitant Indicator: 9
29. Pay Rate Determinant: O
30. Retirement Plan: KF
31. Service Comp. Date (Leave): 06/07/2017
32. Work Schedule: F
33. Part-Time Hours Per Biweekly Pay Period: 0
34. Position Occupied: 2 (1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved)
35. FLSA Category: N (E - Exempt; N - Nonexempt)
36. Appropriation Code: 2018/2019 B 11A 000ME8
37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001
39. Duty Station *(City - County - State or Overseas Location)*: WASHINGTON, DC

40. AGENCY DATA	41.	42.	43.	44.

45. EDUCATIONAL LEVEL	46. YR. DEGREE ATTAINED	47. Academic Discipline	48. FUNCTIONAL CLASS	49. CITIZENSHIP	50. Vietnam Era Vet	51. SUPERVISORY STATUS
				1-USA 8-OTHER		N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature: Patricia Moore
Approval Date: 2/15/2018
FPPS

CONTINUED ON REVERSE
OVER
52-118

(Note to Supervisors: [illegible] conflicting reasons [illegible] resignation/retirement? If "Yes", please state [illegible] on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

___ OGE 450 Not Required

___ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. [illegible] in any future decision [illegible] re-employment [illegible] used to determine your [illegible] unemployment [illegible] address will be used [illegible] you [illegible] pay or compensation to which you are entitled.

This information [illegible] sections 301, 3301, and 8506 of title 5, U.S. Code. Sections [illegible] agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section [illegible] requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used [illegible] possible unemployment benefits. Please be specific and avoid generalizations. [illegible] resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)

M39: Creditability military service: none

M45: Employee is automatically covered under FERS, FERS-RAE or FERS-FRAE

M40: Previous Retirement Coverage: previously covered

K18: Position is at the full performance level

M38: Frozen service: 0000

E01: Appointment is Indefinite

ZZZ: This appointment does not confer eligibility to be noncompetitively Converted to career-conditional or career appointment.

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

February 6, 2018

Forrest W. McMurray

Personal Matters / Ex. 6

Dear Mr. McMurray

Congratulations! You have been selected for an appointment with the U.S. Environmental Protection Agency (EPA). This is to officially inform you of your position as Senior Advance Associate, Office of the Administrator. This position is in the Immediate Office of the Administrator; Washington, DC.

This position is an Excepted Service Administratively Determined (AD) position. Pursuant to the authority vested in the Administrator under Public Law 95-190, your compensation for this position has been set at $56,233 per annum. Your acceptance of this position means that: (1) your position is not in the competitive service; (2) you will serve at the pleasure of the Administrator; and (3) termination of your appointment may occur at anytime upon notice thereof. During a change in Administration, each position is generally reviewed on a case-by-case basis to determine if they meet the needs of the new Administration's goals and objectives for the Agency.

Information About Your Position

- Your annual salary will increase to the amount of $56,233;
- Your immediate supervisor will be Millian Hupp, Director of Scheduling and Advance, Office of the Administrator; your second level supervisor will be Ryan Jackson, Chief of Staff to the Administrator; and
- You will continue to work a full-time schedule.

Benefits

Your elected employee benefits will carry over from your previous Schedule C appointment to this one. Because you are a current EPA employee, you cannot make any changes to your elected benefits until the scheduled open season period. If you have any questions regarding the open season period for employee benefits, please call Karmel Ferebee on (202) 564-4059.

We are pleased that you have chosen to continue your Federal career at the U.S. Environmental Protection Agency. We hope that you will find your new assignment both challenging and rewarding. If you have questions or concerns, please feel free to call me on (202) 564-0570.

Sincerely,

Patricia Moore

Patricia Moore
Executive Resources Staff
Office of Human Resources

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

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the Appointment of Forrest McMurray to Senior Advance Associate in the Office of Administrator. Mr. McMurray will be compensated at the rate of ~~$61,926.00~~ $56,233.00 per annum.

CPM

E. Scott Pruitt
Administrator

Printed on Recycled Paper

Appendix D: Employee D

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
BOWMAN, ELIZABETH S	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03/26/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 170	5-B. Nature of Action: EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: ZLM	5-D. Legal Authority: P. L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number

15. TO: Position Title and Number
DEP ASSOC ADMIN FOR PUBLIC AFFAIRS
A0G00000 0017015

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	130692	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
102826	27866	130692	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
OFFICE OF PUBLIC AFFAIRS
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 17	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks

FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 03-26-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS INDEFINITE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	03/27/2017

50. Signature/Authentication and Title of Approving Official
170633719 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 3/27/17

SF 52 (E Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appt.	2. Request Number: IO-2017-078
3. For Additional Information Call (Name and Telephone Number): Ramona Miles 202-564-0416 (HR- Howard Barnett) Local Tracking No:	4. Proposed Effective Date: 03/27/2017
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator, EPA

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Bowman, Elizabeth S 2335387	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03-26-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	Excepted Appt.		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
ZLM	P.L. 95-190		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
	17015 Deputy Associate Administrator for Public Affairs

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	$130,692.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 2 - 5-Point, 3 - 10-Point/Disability, 4 - 10-Point/Compensable, 5 - 10-Point/Other, 6 - 10-Point/Compensable/30%)	3 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES / NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
C	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	03/26/17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	E	17/18 B 11H ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
17	2008	451001	—	1 (1 - USA, 8 - Other)	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	A. Feasley	3/24/17
B. PSB	[signature]	3/16/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: Cecilia Feasley — Approval Date: 3/24/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: _____.
M39: Creditable Military Service: None
M40: Previous Retirement Coverage: Never Covered.
M45: Employee is automatically covered under FERS.
K18: Employee position is at the full performance level.
ZZZ: This position is designated for Drug Testing.
ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.
E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
BOWMAN, ELIZABETH S	Personal Matters / Ex. 6	Personal Matters / Ex. 6	05/14/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: CONV TO EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: Y7M	5-D. Legal Authority: SCH C, 213.33SCH C, 213.3313 AGE	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
DEP ASSOC ADMIN FOR PUBLIC AFFAIRS A0G00000 0017015	DEP ASSOC ADMIN FOR PUBLIC AFFAIRS A0G00000 0017004

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	130692	PA	GS	0301	14	06	130692	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
102826	27866	130692	0	102826	27866	130692	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC	OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES: ; NO: X

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
K0 BASIC + OPTIONAL(2X)	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KF FERS-FRAE & FICA	03/26/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 17	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks

```
FROZEN SERVICE NONE
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOIMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT
APPOINTMENT IS INDEFINITE.
```

46. Employing Department or Agency	47. Agency Code	48. Personnel Office ID	49. Approval Date	50. Signature/Authentication and Title of Approving Official
EP - ENVIRONMENTAL PROTECTIO	EP00	3216	05/15/2017	170893972 / ELECTRONICALLY SIGNED BY: BENJAMIN H. PEABODY ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS
6/15/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Schedule C Appointment Conversion TO	2. Request Number: OPA-2017-010
3. For Additional Information Call (Name and Telephone Number): Ramona Miles 202-564-0416 (HR- Howard Barnett) — Local Tracking No:	4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff 4/5/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator, EPA
1. Name: Bowman, Elizabeth S	2. Social Security Number: Personal Matters / Ex. 6 — 3. Date of Birth — 4. Effective Date: 05-14-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Excepted Appt		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
Y7M	Sch C, 213.3313, Agency-Unique		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**
	Schedule C Authority		

7. FROM: Position Title and Number	15. TO: Position Title and Number 17004
Same →	Deputy Associate Administrator for Public Affairs

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00			GS	0301	14	6	$130,692	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
Same →	A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%	3 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		YES NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved	E	17/18 B 11H ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 - USA 8 - Other		S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff		5.15.17
B. PSB		4/12/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date
		5.15.17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39: Creditable Military Service: None

M40: Previous Retirement Coverage: Previously Covered.

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

ZZZ: This position is designated for Drug Testing.

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
BOWMAN, ELIZABETH S	Personal Matters / Ex. 6	Personal Matters / Ex. 6	08/13/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
546	CONV TO SES NONCAREER APPT
5-C. Code	**5-D. Legal Authority**
V4L	5 U.S.C. 3394(A) NONCAREER
5-E. Code	**5-F. Legal Authority**
AWM	NON CAREER OPM FORM1652 80917

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number
DEP ASSOC ADMIN FOR PUBLIC AFFAIRS
A0G00000 0017004

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	14	06	130692	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
102826	27866	130692	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
OFFICE OF PUBLIC AFFAIRS
WASHINGTON,DC

15. TO: Position Title and Number
ASSOCIATE ADMINISTRATOR FOR
PUBLIC AFFAIRS
A0G00000 0S04001

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	161900	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
161900	0	161900	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
OFFICE OF PUBLIC AFFAIRS
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 0 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: K0 BASIC + OPTIONAL(2X)

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 3 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 17	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks

SUBJECT TO SATISFACTORY COMPLETION OF ONE YEAR SES PROBATIONARY PERIOD BEGINNING 20170813.
EMPLOYEE SUBJECT TO POST-EMPLOYMENT RESTRICTIONS UNDER 18 U.S.C. 207(C)
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
TENURE AS USED FOR 5 U.S.C. 3502 IS NOT APPLICABLE TO THE SENIOR EXECUTIVE SERVICE.
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NON-COMPETIVITELY

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	08/24/2017

50. Signature/Authentication and Title of Approving Official
171580091 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

SF 52 (E Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to Non Career SES Appt.	2. Request Number: OPA-2017-016
3. For Additional Information Call (Name and Telephone Number): Ramona Miles 202-564-0416 (HR- Howard Barnett) Local Tracking No.	4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator, EPA

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Bowman, Elizabeth S	Personal Matters / Ex. 6		08-13-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
546	Conv to SES Non-Career Appt		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
44L	5 U.S.C. 3394(A)		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**
AWM	Non Career on OPM FER 1652	8-9-17	

7. FROM: Position Title and Number	15. TO: Position Title and Number
Deputy Associate Administrator for Public Affairs	Associate Administrator for Public Affairs

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	6	$130,692		ES	0340	00	00	$161,900.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs	A0G00000 - US EPA, Office of the Administrator, Office of Public Affairs

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other, 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	0 (0 - None, 2 - Conditional, 1 - Permanent, 3 - Indefinite)		YES / NO for RIF

27. FEGLI	28. Annuitant Indicator	29. Pay Rate
KO		0 Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per
KF	3-26-17	F	0 Biweekly Pay Period

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
3 (1 - Competitive Service, 3 - SES General, 2 - Excepted Service, 4 - SES Career Reserved)	E	17/18 B 11H ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 - USA 8 - Other		S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: Patricia Mard — Approval Date: 8-17-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

FPPS

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39 - Creditable Military Service: None
M40 - Previous Retirement Covered: Previously Covered
M45 - Employee is automatically covered under FERS.
K18 - Employee position is at the full performance level.
222 - This position is designated for Drug Testing
222 - This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment
Appointment is Indefinite.

Blue Copy

United States Environmental Protection Agency **POSITION DESCRIPTION COVERSHEET**	**1. DUTY LOCATION** Washington, DC	**2. POSITION NUMBER** EPE504001

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	Associate Administrator for Public Affairs	ES	0340	00	
4. Supervisor's Recommendation	Associate Administrator for Public Affairs	ES	0301	00	

5. ORGANIZATIONAL TITLE OF POSITION (if any)	**6. NAME OF EMPLOYEE** Elizabeth Bowman
7. ORGANIZATION (Give complete organizational breakdown)	e.
a. U.S. ENVIRONMENTAL PROTECTION AGENCY	f.
b. Office of the Administrator	g.
c. Office of Public Affairs	h. Employing Office Location Washington, DC
d.	i. Organization Code A0G00000

8. SUPERVISORY STATUS

☒ **[2] Supervisor or Manager.** Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ **[4] Supervisor.** Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

☐ **[5] Management Official.** Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).

☐ **[6] Lead** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ **[7] Team Leader.** Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ **[8] All Other Positions.** Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		d. Typed Name and Title of Second-Level Supervisor	
Ryan T. Jackson, Chief of Staff		E. Scott Pruitt, Administrator	
b. Signature	c. Date 3/10/17	e. Signature	f. Date 3/10/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential
☒ This position has no promotion potential ☐ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade: _____

b. PSB Risk Designation	c. Financial Disclosure Form	d. "Identical, Additional" (IA) Allocation	e. FLSA Determination	f. Functional Classification Code
☐ 1 Low ☐ 2 Moderate ☒ 3 High Security Clearance Required: ☒ Yes ☐ No	☐ OGE-450 Required ☒ OGE-278 Required ☐ No financial disclosure forms required	This position ☐ may be IA'ed ☒ may not be IA'ed ☐ is limited to current incumbent	☐ NONEXEMPT ☒ EXEMPT* (*check exemption category) ☐ Administrative ☐ Professional ☒ Executive	

g. Bargaining Unit Code	h. Check, if applicable:	i. Classifier's Signature	j. Date
3888	☐ Medical Monitoring Required ☐ Extramural Resources Management Duties (____% of time) ☐ This position is subject to random drug testing (____)		03/13/17

11. REMARKS

Top Secret

EPA Form 3150-1 (Rev 8/2009) Previous Versions are Obsolete

Request for Senior Executive Service Appointing Authority

Agency Name: ENVIRONMENTAL PROTECTION AGENCY **Print Date:** 07/26/2017

POC: HOWARD BARNETT **Phone:** (202) 564-0394 **Fax:** (202) 564-9612

Request No: EP170083 **Request Type:** APPOINTMENT

Appointment Authority: NONCAREER

Extension: No **Duration:** **ES Pay Level:** $161,900 **Temporary Allocation:** No

Candidate: ELIZABETH BOWMAN

Position No: EPES04001 **Title:** ASSOCIATE ADMINISTRATOR FOR PUBLIC AFFAIRS

Organization Name: OFFICE OF PUBLIC AFFAIRS

Recruited From: SAME BUREAU, SAME AGENCY **GEO Location:** WASHINGTON

Current Title: DEPUTY ASSOCIATE ADMINISTRATOR FOR PUBLIC AFFAIRS

Proposed Title:

SES Endorsement Statement

I endorse the above request made to the Office of Personnel Management. I certify that the position is a General position and certify that the candidate meets the professional/technical, executive and managerial qualifications for the position.

Agency/Dept. Head or E. Scott Pruitt, Administrator

Signature: _____ Date Signed: 7/27/17

Agency White House Liaison

Name: Charles Munoz Phone: 202-564-3097

Signature: _____ for Charles Munoz Date Signed: 7/27/17

OPM USE ONLY

Check the appropriate Box(es)

- ☐ Your request for a new noncareer appointment authority, reassignment or pay level change is:
- ☐ Your request for a limited term emergency appointment authority for the duration of _____ is:
- ☐ Your request for temporary space allocation

☒ Approved ☐ Approved with Modification *

☐ Disapproved ☐ Return without Action

* Modification

Number of non-career allocations: _____ Percent of SES space allocation: _____ %

OPM Approving Official: _____ Date Signed: 8/9/17

EMAIL: SERS@opm.gov ATTENTION: Senior Executive Resource Services

Source: Office of Personnel Management Report 1652, Version November 2008

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

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

AUG 10 2017

Elizabeth Bowman

Personal Matters / Ex. 6

Dear Ms. Bowman:

Congratulations! You have been selected for an appointment with the U.S. Environmental Protection Agency (EPA). This is to officially inform you of your position as Associate Administrator for Public Affairs. This position is located in the Office of the Administrator, Office of Public Affairs, Immediate Office; Washington, DC. Your appointment to this position will be made effective August 13, 2017.

This position is a Non-Career Senior Executive Service (SES) position. Your acceptance of this position means that: (1) your position is not in the competitive service; (2) you will serve at the pleasure of the Administrator; and (3) termination of your appointment may occur at anytime upon notice thereof. During a change in Administration, each position is generally reviewed on a case-by-case basis to determine if they meet the needs of the new Administration's goals and objectives for the Agency.

Information About Your Position

- Your annual salary will increase to the level of $161,900;
- Your immediate supervisor will be Ryan Jackson, Chief of Staff to the Administrator; your second level supervisor will be E. Scott Pruitt, Administrator
- You will continue to work a full-time schedule;
- You will earn 8 hours of annual leave per pay period and 4 hours of sick leave per pay period. A maximum of 720 hours of annual leave can be carried forward into next leave year; and there is no cap on accrued sick leave;
- You may be required to update your SF-278 Financial Disclosure form. Please contact Justina Fugh on (202) 564-1786 to obtain additional information;
- Your position has been designated by our Personnel Security Office as a High Risk position. This designation will require your position to be subject to random drug testing procedures.

Benefits

Your elected employee benefits will carry over from your previous Schedule C appointment to your new Non-Career SES appointment. Because you are a current EPA employee, you cannot make any changes to your elected benefits until the scheduled open season period. If you have any questions regarding the open season period for employee benefits, please call Karmel Ferebee on (202) 564-4059.

We are pleased that you have chosen to continue your Federal career at the U.S. Environmental Protection Agency. We hope that you will find your new assignment both challenging and rewarding. If you have questions or concerns, please feel free to call me on (202) 564-0394.

Sincerely yours,

Howard Barnett
Executive Resources Division
Office of Human Resources

Appendix E: Employee E

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
CHMIELEWSKI, KEVIN DAVID	Personal Matters / Ex. 6	Personal Matters / Ex. 6	04/23/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 170	5-B. Nature of Action: EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: ZLM	5-D. Legal Authority: P.L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
	DIRECTOR OF SCHEDULING AND ADVANCE A0000000 0017023

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	115755	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
				91074	24681	115755	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	OFFICE OF THE ADMINISTRATOR WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES: ; NO: X

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
C0 BASIC ONLY	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KF FERS-FRAE & FICA	04/23/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 04/24/17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS INDEFINITE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DOES NOT CONFER ELIGIBILITY TO BE NONCOMETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT

46. Employing Department or Agency	47. Agency Code	48. Personnel Office ID	49. Approval Date	50. Signature/Authentication and Title of Approving Official
EP - ENVIRONMENTAL PROTECTIO	EP00	3216	04/24/2017	170696199 / ELECTRONICALLY SIGNED BY: SUZANNE L. ROBERTS ACTG DIR, EXEC RESOURCES DIV, OHR

ECI: 2335390

FPPS 4/24/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: AD Appointment	2. Request Number: IO-2017-083
3. For Additional Information Call (Name and Telephone Number): Ramona Mullen-Miles; Local Tracking No:	4. Proposed Effective Date: 04-23-17
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff 3/27/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator

1. Name: CHMIELEWSKI, Kevin David	2. Social Security Number: Personal Matters / Ex. 6	3. Date of Birth: Personal Matters / Ex. 6	4. Effective Date: 04-23-17

5-A. Code: 190	5-B. Nature of Action: Excepted Appt.	6-A. Code	6-B. Nature of Action
5-C. Code: 2LM	5-D. Legal Authority: P.L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number: Director of Scheduling and Advance

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
					PA	AD	0301	00	00	$115,755.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization: A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

23. Veterans Preference: 1 (1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other; 2 - 5-Point; 4 - 10-Point/Compensable; 6 - 10-Point/Compensable/30%)	24. Tenure: 3 (0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite)	25. Agency Use	26. Veterans Preference for RIF: YES / NO
27. FEGLI: CB	28. Annuitant Indicator: 9		29. Pay Rate Determinant: 0
30. Retirement Plan: KF	31. Service Comp. Date (Leave): 04-19-17	32. Work Schedule: F	33. Part Time Hours Per Biweekly Pay Period: 00
34. Position Occupied: 2 (1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved)	35. FLSA Category: N	36. Appropriation Code: 1718 B 11A ZZZME8	37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001	39. Duty Station: Washington, DC		

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
13	1998	090904		1 (1 - USA; 8 - Other)	1	8

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff		4/19/17
B. PSB		4/12/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date: 4/19/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART I - Remarks for SF 50

M01: Appointment Affidavit executed 04-24-17
M39: Creditable Military Service: None
M40: Previous Retirement Coverage: Never covered
M45: Employee is automatically covered under FERS.
K18: Employee position is at the full performance level.
ZZZ: This position is designated for Drug Testing.
ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.
F01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
CHMIELEWSKI, KEVIN DAVID	Personal Matters / Ex. 6	Personal Matters / Ex. 6	05/14/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
Y7M	SCH C, 213.33SCH C 3317
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number
DIRECTOR OF SCHEDULING AND ADVANCE
A0000000 0017023

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	115755	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
91074	24681	115755	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
DIRECTOR OF SCHEDULING AND ADVANCE
A0000000 0017023

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	02	115755	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
91074	24681	115755	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 04/23/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 04	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks

FROZEN SERVICE NONE
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	05/18/2017

50. Signature/Authentication and Title of Approving Official
170921379 / ELECTRONICALLY SIGNED BY:
BENJAMIN H. PEABODY
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 5/18/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to Schedule C. Appt.	2. Request Number: IO-2017-094
3. For Additional Information Call (Name and Telephone Number): Ramona Mullen-Miles — Local Tracking No:	4. Proposed Effective Date
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator /
1. Name: CHMIELEWSKI, Kevin David	2. Social Security Number: Personal Matters / Ex. 6 — 3. Date of Birth: — 4. Effective Date: 05-14-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Exc Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
Y7M	Sch C 3316		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
Same →	Director of Scheduling and Advance

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ND	0301	00	00		PA	GS	0301	14	02	$115,755.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
Same →	A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other, 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	3 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES / X NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
CO	9	D

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KB	4/23/17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	E	1718 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
04	—	—		1 (1 - USA, 8 - Other)	X	S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staffing	C. Foster	5/18/17
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature: Cecilia Foster	Approval Date: 5/18/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
CHMIELEWSKI, KEVIN DAVID	Personal Matters / Ex. 6	Personal Matters / Ex. 6	07/16/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
002	CORRECTION
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
546	CONV TO SES NONCAREER APPT
6-C. Code	6-D. Legal Authority
V4L	5 U.S.C. 3394(A) NONCAREER
6-E. Code	6-F. Legal Authority
AWM	07-13-17

7. FROM: Position Title and Number
DIRECTOR OF SCHEDULING AND ADVANCE
A0000000 0017023

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	14	02	115755	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
91074	24681	115755	0

14. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

15. TO: Position Title and Number
DEPUTY CHIEF OF STAFF FOR OPERATIONS
A0000000 0013007

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	140000	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
140000	0	140000	0

22. Name and Location of Position's Organization
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 0 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 04/23/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 3 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 04	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
CORRECTS ITEM NUMBER 15 FROM DIRECTOR OF SCHEDULING AND ADVANCE

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	01/18/2018

50. Signature/Authentication and Title of Approving Official
180317519 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPRS
7/20/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Conversion to NC SES Appt	2. Request Number: IO-2017-110
3. For Additional Information Call (Name and Telephone Number): Ramona Mullen-Miles — Local Tracking No:	4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson, Chief of Staff	6. Action Authorized By (Typed Name, Title, Signature and Concurrence Date): E. Scott Pruitt, Administrator

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
CHMIELEWSKI, Kevin David	Personal Matters / Ex. 6		07-16-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
546	Conv to SES Non-Career Appt		
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
V4L	5 U.S.C. 3394(a) Non-Career		
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority
AWM	and OPM Form 1652 dated 07-13-17		

7. FROM: Position Title and Number	15. TO: Position Title and Number
Director of Scheduling and Advance	13007 Deputy Chief of Staff for Operations $14,000.=

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	14	02	$115,755.00	PA	ES	0340	00	00	$140,000	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
A0000000 - U.S. EPA, Office of the Administrator, Immediate Office	A0000000 - U.S. EPA, Office of the Administrator, Immediate Office

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%	0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		YES NO

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
3 — 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved	E	1718 B 11A ZZZME8	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 - USA 8 - Other		S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ann Dackey	07-19-17
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature: Ann Dackey	Approval Date: 07-19-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M39: Creditable Military Service: NONE

M40: Previous Retirement Coverage: Previously Covered

M45: Employee is automatically covered under FERS.

M38: Frozen Service: 00-00

T55: Tenure as used for U. S. C. is not applicable to the Senior Executive Service.

ZZZ: This position is designated for Drug Testing.

Automated Standard Form 52
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Action Requested: Resignation
2. Request Number: TBA
3. For Additional Information Call *(Name and Telephone Number)*: Elyse Sutkus, 202-564-2858
4. Proposed Effective Date: 3/17/18
5. Action Requested By *(Typed Name, Title, Signature and Request Date)*: Ryan Jackson, Chief of Staff — For Ryan Jackson for Scott Pruitt 4/17/18
6. Action Authorized By *(Typed Name, title, signature, and Concurrence Date)*: E. Scott Pruitt, Administrator — For Scott Pruitt 4/5/18

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name *(Last, First, Middle)*: Chmielewski, Kevin
2. Social Security Number
3. Date of Birth
4. Effective Date

FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6F. Legal Authority

7. FROM: Position Title and Number
Deputy Chief of Staff for Operations

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
ES	0340	00	00	$140,000	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization
A0000000 - Environmental Protection Agency
Office of the Administrator, Immediate Office

15. TO: Position Title and Number

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 2 - 5-Point; 3 - 10-Point/Disability; 4 - 10-Point/Compensable; 5 - 10-Point/Other; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 1 - Permanent; 2 - Conditional; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: ☐ YES ☐ NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E - Exempt; N - Nonexempt
36. Appropriation Code: 18/19 B 11A 000ME8
37. Bargaining Unit Status
38. Duty Station Code
39. Duty Station *(City - County - State or Overseas Location)*

40. AGENCY DATA	41.	42.	43.	44.

45. EDUCATIONAL LEVEL	46. YR. DEGREE ATTAINED	47. Academic Discipline	48. FUNCTIONAL CLASS	49. CITIZENSHIP (1-USA 8-OTHER)	50. Vietnam Era Vet	51. SUPERVISORY STATUS

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature
Approval Date

CONTINUED ON REVERSE
OVER
52-118

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal Service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	3. Date Signed	4. Forwarding Address *(Number, Street, City, State, ZIP Code)*
3/17/19	[signature] for Kevin Chmielewski	3/17/18	

PART F - Remarks for SF 50

Appendix F: Employee F

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
BOLEN, BRITTANY A	Personal Matters / Ex. 6	Personal Matters / Ex. 6	Personal Matters / Ex. 6

FIRST ACTION		SECOND ACTION	
5-A. Code: 170	5-B. Nature of Action: EXC APPT	6-A. Code	6-B. Nature of Action
5-C. Code: ZLM	5-D. Legal Authority: P. L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number

15. TO: Position Title and Number
SENIOR DEPUTY ASSOC ADMIN FOR POLICY
AA000000 0017011

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	149337	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
117496	31841	149337	0

14. Name and Location of Position's Organization

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
ASSOC ADMR FOR OFFICE OF POLICY
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 15	SUPV STAT 8	POSITION SENSITIVITY HIGH RISK

45. Remarks

FROZEN SERVICE NONE
APPOINTMENT AFFIDAVIT EXECUTED 03-27-17.
CREDITABLE MILITARY SERVICE: NONE
PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED
THIS POSITION IS DESIGNATED FOR DRUG TESTING 5 NATIONAL SECURITY 5CFR 732.102
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
APPOINTMENT IS INDEFINITE.
POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND.
THIS POSITION IS DESIGNATED FOR DRUG TESTING
THIS APPOINTMENT DIES BIT CIBFER ELIGIBILITY TO BE NONCOMPETITIVELY
CONVERTED TO CAREER-CONDITIONAL OR CAREER APPOINTMENT

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	03/13/2017

50. Signature/Authentication and Title of Approving Official
170620790 / ELECTRONICALLY SIGNED BY:
SUZANNE L. ROBERTS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 3/27/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested	Administratively Determined Appointment
2. Request Number	OP-2017-017
3. For Additional Information Call (Name and Telephone Number)	Felicia Peppins (HR- Howard Barnett)
Local Tracking No:	
4. Proposed Effective Date	03/27/2017
5. Action Requested By (Typed Name/Title, Signature, and Request Date)	Michael Flynn, Acting Deputy Administrator 3/3/17
6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date)	E. Scott Pruitt, Administrator /

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Bolen, Brittany A. 2335381	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03-26-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
PTO	Excepted Appt		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
Zum	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
	17011 Senior Deputy Associate Administrator for Policy 117,496

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
					PA	AD	0301	00	00	$149,337.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	AA000000 - U.S. Environmental Protection Agency, Office of the Administrator, Office of Policy

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other; 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	03 (0 - None, 2 - Conditional, 1 - Permanent, 3 - Indefinite)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
C	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KF	03-26-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 3 - SES General, 2 - Excepted Service, 4 - SES Career Reserved)	E	1718 B 11B ZZZMH9	8888

38. Duty Station Code	39. Duty Station
11-0010-001	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
15	2013	220101	—	1 (1 - USA, 8 - Other)	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Gwen Hackley	3-23-17
B. PSB	[signature]	3/16/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: Gwen Hackley — Approval Date: 3-23-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

M01: Appointment Affidavit executed: _____.

M39: Creditable Military Service: None.

M40: Previous Retirement Coverage: Previously Covered.

M45: Employee is automatically covered under FERS.

K18: Employee position is at the full performance level.

ZZZ: This position is designated for Drug Testing.

ZZZ: This appointment does not confer eligibility to be noncompetitively converted to Career-Conditional or Career Appointment.

E01: Appointment is Indefinite.

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
BOLEN, BRITTANY A	Personal Matters / Ex. 6	Personal Matters / Ex. 6	05/14/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
002	CORRECTION
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
570	CONV TO EXC APPT
6-C. Code	6-D. Legal Authority
Y7M	SCH C, 213.33SCH C 3316
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
SENIOR DEPUTY ASSOC ADMIN FOR POLICY
AA000000 0017011

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	149337	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
117496	31841	149337	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
ASSOC ADMR FOR OFFICE OF POLICY
WASHINGTON,DC

15. TO: Position Title and Number
SENIOR DEPUTY ASSOC ADMIN FOR POLICY
AA000000 0017011

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
GS	0301	15	05	149337	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
117496	31841	149337	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
ASSOC ADMR FOR OFFICE OF POLICY
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 15	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
CORRECTS ITEM NUMBER 31 FROM 03-26-17

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	08/21/2017

50. Signature/Authentication and Title of Approving Official
171535155 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS 5/18/17

SF 52 (E~Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Schedule C Appointment Conversion To	2. Request Number: OP-2017-020
3. For Additional Information Call (Name and Telephone Number): Felicia Peppins (HR- Howard Barnett) — Local Tracking No:	4. Proposed Effective Date: ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Ryan T. Jackson Chief of Staff 4/5/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt, Administrator /

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Bolen, Brittany	Personal Matters / Ex. 6		05-14-17

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
570	Conv to Exc Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
V7M	Schc 3317		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
Same →	Senior Deputy Associate Administrator for Policy

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00		PA	GS	0301	15	05	$149,337.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
Same →	AA000000 - U.S. Environmental Protection Agency, Office of the Administrator, Office of Policy

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other, 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	3 (0 - None, 2 - Conditional, 1 - Permanent, 3 - Indefinite)		YES / NO for RIF

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
KR	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KR		F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 3 - SES General, 2 - Excepted Service, 4 - SES Career Reserved)	E	1718 B 11B ZZZMH9	8888

38. Duty Station Code	39. Duty Station
	Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 (1 - USA, 8 - Other)	A	S

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	[signature]	5/18/17
B. PSB	[signature]	4/12/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature [signature] Approval Date 5/18/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
BOLEN, BRITTANY A	Personal Matters / Ex. 6	Personal Matters / Ex. 6	07/16/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
002	CORRECTION
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
546	CONV TO SES NONCAREER APPT
6-C. Code	6-D. Legal Authority
V4L	5 U.S.C. 3394(A) NONCAREER
6-E. Code	6-F. Legal Authority
AWM	07-13-17

7. FROM: Position Title and Number
SENIOR DEPUTY ASSOC ADMIN FOR POLICY
AA000000 0017011

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	0301	15	05	149337	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
117496	31841	149337	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
ASSOC ADMR FOR OFFICE OF POLICY
WASHINGTON,DC

15. TO: Position Title and Number
SENIOR DEPUTY ASSOC ADMIN FOR POLICY
AA000000 0017024

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	151700	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
151700	0	151700	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
ASSOC ADMR FOR OFFICE OF POLICY
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 0 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KF FERS-FRAE & FICA

31. Service Comp. Date (Leave): 03/26/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 3 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 15	SUPV STAT 2	POSITION SENSITIVITY HIGH RISK

45. Remarks
CORRECTS ITEM NUMBER 31 FROM 03-26-17

46. Employing Department or Agency: EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	08/21/2017

50. Signature/Authentication and Title of Approving Official
171581755 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

FPPS
7/20/17

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Actions Requested: Non Career - SES; Conversion TO
2. Request Number: OP-2017-025
3. For Additional Information Call *(Name and Telephone Number)*: Ramona Mullen Miles (HR- Howard Barnett)
Local Tracking No:
4. Proposed Effective Date
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson Chief of Staff
6. Action Authorized By *(Typed Name, Title, Signature, and Concurrence Date)*: E. Scott Pruitt / Administrator

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name: BOLEN, Brittany
2. Social Security Number: Personal Matters / Ex. 6
3. Date of Birth
4. Effective Date: 07-16-17

FIRST ACTION		SECOND ACTION	
5-A. Code: 546	5-B. Nature of Action: Conv to SES Non-Career Appt	6-A. Code	6-B. Nature of Action
5-C. Code: V4L	5-D. Legal Authority: 5 U.S.C. 3394(a) Non-Career and	6-C. Code	6-D. Legal Authority
5-E. Code: AWM	5-F. Legal Authority: OPM Form 1652 dated 07-13-17	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
Senior Deputy Associate Administrator for Policy

15. TO: Position Title and Number: 17034
Senior Deputy Associate Administrator for Policy

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
GS	301	15	05	$149,337.00	PA

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0340	00	00	$151,700	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

22. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other; 2 - 5-Point; 4 - 10-Point/Compensable; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 2 - Conditional; 1 - Permanent; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: YES / NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 3 — 1 - Competitive Service; 2 - Excepted Service; 3 - SES General; 4 - SES Career Reserved
35. FLSA Category: E
36. Appropriation Code: 2017/2018 B 11B ZZZM119
37. Bargaining Unit Status: 8888
38. Duty Station Code: 11-0010-001
39. Duty Station: Washington, DC
40. Agency Data
41.
42.
43.
44.
45. Educational Level
46. Year Degree Attained
47. Academic Discipline
48. Functional Class
49. Citizenship: 1 - USA; 8 - Other
50. Veterans Status
51. Supervisory Status: S

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staff	Ann Dackley	07-19-1
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature: Ann Dackley
Approval Date: 07-19-1

CONTINUED ON NEXT PAGE

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? ☐ YES ☐ NO
If "YES", please state these facts on a separate sheet and attach to SF 52.)

___ OGE 450 Not Required

___ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

M39: Creditable Military Service: None

M40: Previous Retirement Coverage: Previously Covered

M45: Employee is automatically covered under FERS.

M38: Frozen Service: 00-00

T55: Tenure as used for U. S. C. is not applicable to the Senior Executive Service.

ZZZ: This position is designated for Drug Testing.

Request for Senior Executive Service Appointing Authority

Agency Name: ENVIRONMENTAL PROTECTION AGENCY **Print Date:** 07/06/2017

POC: HOWARD BARNETT **Phone:** (202) 564-0394 **Fax:** (202) 564-9612

Request No: EP170079 **Request Type:** APPOINTMENT

Appointment Authority: NONCAREER

Extension: No **Duration:** **ES Pay Level:** $151,700 **Temporary Allocation:** No

Candidate: BRITTANY BOLEN

Position No: EPES17024 **Title:** SENIOR DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY

Organization Name: OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR POLICY

Recruited From: SAME BUREAU, SAME AGENCY **GEO Location:** WASHINGTON

Current Title: SENIOR DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY

Proposed Title:

SES Endorsement Statement

I endorse the above request made to the Office of Personnel Management. I certify that the position is a General position and certify that the candidate meets the professional/technical, executive and managerial qualifications for the position.

Agency/Dept. Head or E. Scott Pruitt, Administrator

Signature: Date Signed: 7/5/17

Agency White House Liaison

Name: Charles Munoz Phone: 564-3057

Signature: Date Signed: 7/10/17

OPM USE ONLY

Check the appropriate Box(es)

- [ ] Your request for a new noncareer appointment authority, reassignment or pay level change is:
- [ ] Your request for a limited term emergency appointment authority for the duration of _____ is:
- [ ] Your request for temporary space allocation

- [x] Approved
- [ ] Approved with Modification *
- [ ] Disapproved
- [ ] Return without Action

* Modification

Number of non-career allocations: _____ Percent of SES space allocation: _____ %

OPM Approving Official: Date Signed: 7/13/17

EMAIL: SERS@opm.gov ATTENTION: Senior Executive Resource Services

Source: Office of Personnel Management Report 1652, Version November 2008

United States Environmental Protection Agency **POSITION DESCRIPTION COVERSHEET**	**1. DUTY LOCATION** Washington, DC	**2. POSITION NUMBER** EPES17024

3. **CLASSIFICATION ACTION**: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	Senior Deputy Associate Administrator for Policy	ES	0340	OD	
4. Supervisor's Recommendation	Senior Deputy Associate Administrator for Policy	ES	0340		

5. ORGANIZATIONAL TITLE OF POSITION (if any)	**6. NAME OF EMPLOYEE** **BOLEN, Brittany**
	c.
a. U.S. ENVIRONMENTAL PROTECTION AGENCY	f.
b. OFFICE OF THE ADMINISTRATOR	g.
c. Office of Policy	h. Employing Office Location Washington, DC
d.	i. Organization Code AA000000

8. SUPERVISORY STATUS

☒ **[2] Supervisor or Manager**. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

☐ **[4] Supervisor**. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

☐ **[5] Management Official**. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).

☐ **[6] Lead** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

☐ **[7] Team Leader**. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

☐ **[8] All Other Positions**. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		**d. Typed Name and Title of Second-Level Supervisor**	
Ryan T. Jackson, Chief of Staff		**E. Scott Pruitt, Administrator, EPA**	
b. Signature	**c. Date** 7/6/17	**e. Signature**	**f. Date** 7/2/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential

☒ This position has no promotion potential ☐ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:

b. PSB Risk Designation	**c. Financial Disclosure Form**	**d. "Identical, Additional" (IA) Allocation**	**e. FLSA Determination**	**f. Functional Classification Code**
☐ 1 Low ☐ 2 Moderate ☒ 3 High Security Clearance Required: **Yes**	OGE-450 Required ☒ OGE-278 Required No financial disclosure forms required	This position ☐ may be IA'ed ☒ may not be IA'ed ☐ is limited to current incumbent	☐ NONEXEMPT ☐ EXEMPT (*check exemption category) ☐ Administrative ☐ Professional ☐ Executive	

g. Bargaining Unit Code	**h. Check, if applicable:**	**i. Classifier's Signature**	**j. Date**
88888	☐ Medical Monitoring Required ☐ Extramural Resources Management Duties (% of time) ☐ This position is subject to random drug testing ( )		07/06/17

11. REMARKS

Secret Clearance

SF 52 (E**Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Actions Requested: Non Career - SES
2. Request Number: OP-2018-000
3. For Additional Information Call *(Name and Telephone Number)*: Ramona Mullen Miles (HR- Howard Barnett)
Local Tracking No:
4. Proposed Effective Date:
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson Chief of Staff
6. Action Authorized By *(Typed Name, Title, Signature, and Concurrence Date)*: E. Scott Pruitt / Administrator

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name: BOLEN, Brittany
2. Social Security Number: Personal Matters / Ex. 6
3. Date of Birth:
4. Effective Date:

FIRST ACTION

5-A. Code	5-B. Nature of Action
5-C. Code	5-D. Legal Authority
5-E. Code	5-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	6-D. Legal Authority
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
Senior Deputy Associate Administrator for Policy

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
ES					PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay

14. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

15. TO: Position Title and Number
Principle Deputy Associate Administrator for Policy

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
ES	0343			$161,900.00	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

22. Name and Location of Position's Organization
AA00000 - US, EPA, Office of the Administrator
Office of Policy

EMPLOYEE DATA

23. Veterans Preference: 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: YES NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved
35. FLSA Category
36. Appropriation Code: 2018/2019 B 11B 000MH9
37. Bargaining Unit Status
38. Duty Station Code
39. Duty Station: Washington, DC

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship (1 - USA 8 - Other)	50. Veterans Status	51. Supervisory Status

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature | Approval Date

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have, (2) pay or other compensation due you, and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

PART F - Remarks for SF 50

Request for Senior Executive Service Appointing Authority

Agency Name: ENVIRONMENTAL PROTECTION AGENCY **Print Date:** 12/19/2017

POC: HOWARD BARNETT **Phone:** (202) 564-0394 **Fax:** (202) 564-9612

Request No: EP180024 **Request Type:** REASSIGNMENT

Appointment Authority: NONCAREER

Extension: No **Duration:** **ES Pay Level:** $161,900 **Temporary Allocation:** No

Candidate: BRITTANY BOLEN

Position No: EPES01093 **Title:** PRINCIPAL DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY

Organization Name: OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR POLICY

Recruited From: SAME BUREAU, SAME AGENCY **GEO Location:** WASHINGTON

Current Title: SENIOR DEPUTY ASSOCIATE ADMINISTRATOR FOR POLICY

Proposed Title:

SES Endorsement Statement

I endorse the above request made to the Office of Personnel Management. I certify that the position is a General position and certify that the candidate meets the professional/technical, executive and managerial qualifications for the position.

Agency/Dept. Head or E. Scott Pruitt, Administrator

Signature: for E. Scott Pruitt Date Signed: 12/20/17

Agency White House Liaison

Name: Charles Munoz Phone: 564-3097

Signature: Date Signed: 12/20/17

OPM USE ONLY

Check the appropriate Box(es)

- ☐ Your request for a new noncareer appointment authority, reassignment or pay level change is: ☐ Approved ☐ Approved with Modification *
- ☐ Your request for a limited term emergency appointment authority for the duration of _____ is: ☐ Disapproved ☐ Return without Action
- ☐ Your request for temporary space allocation

* Modification

Number of non-career allocations: _____ Percent of SES space allocation: _____ %

OPM Approving Official: _____ Date Signed: _____

EMAIL: SERS@opm.gov **ATTENTION: Senior Executive Resource Services**

Source: Office of Personnel Management

Report 1652, Version November 2008

United States Environmental Protection Agency **POSITION DESCRIPTION COVERSHEET**	**1. DUTY LOCATION** Washington, DC	**2. POSITION NUMBER**

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position
Position previously occupied by Veronica Burley

	b. Title	c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation					
4. Supervisor's Recommendation	Principle Deputy Associate Administrator, OP	ES	0343		

5. ORGANIZATIONAL TITLE OF POSITION (if any)	**6. NAME OF EMPLOYEE** **BOLEN, Brittany**
	e.
a. U.S. ENVIRONMENTAL PROTECTION AGENCY	f.
b. Office of the Administrator	
c. Office of Policy	h. Employing Office Location - Washington, DC
d.	i. Organization Code - AA0000000

8. SUPERVISORY STATUS

⓪ **[2] Supervisor or Manager**. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards.

⓪ **[4] Supervisor**. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG.

⓪ **[5] Management Official**. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10).

⓪ **[6] Lead** Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGEG) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system.

⓪ **[7] Team Leader**. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGEG.

⓪ **[8] All Other Positions**. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.

9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor		**d. Typed Name and Title of Second-Level Supervisor**	
Ryan T. Jackson, Chief of Staff		**E. Scott Pruitt, Administrator**	
b. Signature	**c. Date** 12/8/17	**e. Signature**	**f. Date** 12/15/17

10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.

a. Promotion Potential
⓪ This position has no promotion potential ⓪ If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:

b. PSB Risk Designation	**c. Financial Disclosure Form**	**d. "Identical, Additional" (IA) Allocation**	**e. FLSA Determination**	**f. Functional Classification Code**
⓪ 1 Low ⓪ 2 Moderate ⓪ 3 High Security Clearance Required: **Yes TS/SCI**	OGE-450 Required OGE-278 Required No financial disclosure forms required	This position ⓪ may be IA'ed ⓪ may not be IA'ed ⓪ is limited to current incumbent	⓪ NONEXEMPT ⓪ EXEMPT* (**check exemption category*) ⓪ Administrative ⓪ Professional ⓪ Executive	

g. Bargaining Unit Code	**h. Check, if applicable:**	**i. Classifier's Signature**	**j. Date**
88888	⓪ Medical Monitoring Required ⓪ Extramural Resources Management Duties (0 % of time) ⓪ This position is subject to random drug testing ( )		

11. REMARKS

Appendix G: Employee G

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
FERGUSON, LINCOLN ROSS	Personal Matters / Ex. 6	Personal Matters / Ex. 6	09/03/2017

FIRST ACTION

5-A. Code	5-B. Nature of Action
570	CONV TO EXC APPT
5-C. Code	**5-D. Legal Authority**
ZLM	P.L 95-190
5-E. Code	**5-F. Legal Authority**

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	**6-D. Legal Authority**
6-E. Code	**6-F. Legal Authority**

7. FROM: Position Title and Number
SPEECH WRITER
A0G00000 AD17003

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis
AD	0301	00	00	79720	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay
62722	16998	79720	0

14. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
OFFICE OF PUBLIC AFFAIRS
WASHINGTON,DC

15. TO: Position Title and Number
SENIOR ADVISOR TO THE ADMINISTRATOR
FOR OPERATIONS & IMPLMENTATION
A0000000 AD17066

16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	100981	PA

20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
100981	0	100981	0

22. Name and Location of Position's Organization
OFFICE OF THE ADMINISTRATOR
WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference: 1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)

24. Tenure: 3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)

25. Agency Use:

26. Veterans Preference for RIF: YES [ ] NO [X]

27. FEGLI: C0 BASIC ONLY

28. Annuitant Indicator: 9 NOT APPLICABLE

29. Pay Rate Determinant: 0

30. Retirement Plan: KR FERS-RAE & FICA

31. Service Comp. Date (Leave): 03/13/2017

32. Work Schedule: F FULL-TIME

33. Part-Time Hours Per Biweekly Pay Period:

POSITION DATA

34. Position Occupied: 2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)

35. FLSA Category: E (E – Exempt; N – Nonexempt)

36. Appropriation Code:

37. Bargaining Unit Status: 8888

38. Duty Station Code: 11-0010-001

39. Duty Station (City – County – State or Overseas Location): WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks
CREDITABLE MILITARY SERVICE: NONE
EMPLOYEE IS AUTOMATICALLY COVERED UNDER FERS, FERS-RAE OR FERS-FRAE.
PREVIOUS RETIREMENT COVERAGE: NEVER COVERED
FROZEN SERVICE NONE

46. Employing Department or Agency
EP - ENVIRONMENTAL PROTECTIO

47. Agency Code	48. Personnel Office ID	49. Approval Date
EP00	3216	09/06/2017

50. Signature/Authentication and Title of Approving Official
171662485 / ELECTRONICALLY SIGNED BY:
VICKIE H. TELLIS
ACTG DIR, EXEC RESOURCES DIV, OHR

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
FERGUSON, LINCOLN ROSS	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03/13/2017

FIRST ACTION		SECOND ACTION	
5-A. Code: 002	5-B. Nature of Action: CORRECTION	6-A. Code: 170	6-B. Nature of Action: EXC APPT
5-C. Code:	5-D. Legal Authority:	6-C. Code: ZLM	6-D. Legal Authority: P.L. 95-190
5-E. Code:	5-F. Legal Authority:	6-E. Code:	6-F. Legal Authority:

7. FROM: Position Title and Number	15. TO: Position Title and Number
	SPEECH WRITER A0G00000 AD17003

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00	79720	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay
				62722	16998	79720	0

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	OFFICE OF THE ADMINISTRATOR OFFICE OF PUBLIC AFFAIRS WASHINGTON,DC

EMPLOYEE DATA

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 – None; 2 – 5-Point; 3 – 10-Point/Disability; 4 – 10-Point/Compensable; 5 – 10-Point/Other; 6 – 10-Point/Compensable/30%)	3 (0 – None; 1 – Permanent; 2 – Conditional; 3 – Indefinite)		YES: [ ] NO: [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
C0 BASIC ONLY	9 NOT APPLICABLE	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period
KR FERS-RAE & FICA	03/13/2017	F FULL-TIME	

POSITION DATA

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 – Competitive Service; 2 – Excepted Service; 3 – SES General; 4 – SES Career Reserved)	E (E – Exempt; N – Nonexempt)		8888

38. Duty Station Code	39. Duty Station (City – County – State or Overseas Location)
11-0010-001	WASHINGTON,DISTRICT OF COLUMBIA

40. Agency Data	41.	42.	43.	44.
FUNC CLS 00	VET STAT X	EDUC LVL 13	SUPV STAT 8	POSITION SENSITIVITY MODERATE RISK

45. Remarks
CORRECTS ITEM NUMBER 15 FROM A0000000

46. Employing Department or Agency	47. Agency Code	48. Personnel Office ID	49. Approval Date	50. Signature/Authentication and Title of Approving Official
EP - ENVIRONMENTAL PROTECTIO	EP00	3216	07/12/2017	171236184 / ELECTRONICALLY SIGNED BY: BENJAMIN H. PEABODY ACTG DIR, EXEC RESOURCES DIV, OHR

SF 52 (E~Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval _____
John E Reeder

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office *(Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)*

1. Actions Requested: Conversion of AD Appt.
2. Request Number: IO-2017-119
3. For Additional Information Call *(Name and Telephone Number)*: Ramona Mullen (HR- Howard Barnett)
Local Tracking No:
4. Proposed Effective Date
5. Action Requested By *(Typed Name, Title, Signature, and Request Date)*: Ryan T. Jackson Chief of Staff
6. Action Authorized By *(Typed Name, Title, Signature, and Commence Date)*: E. Scott Pruitt / Administrator 8/16/17

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name: Ferguson, Lincoln
2. Social Security Number: Personal Matters / Ex. 6
3. Date of Birth
4. Effective Date: 09-03-17

FIRST ACTION		SECOND ACTION	
5-A. Code: 570	5-B. Nature of Action: Conv to Exc Appt	6-A. Code	6-B. Nature of Action
5-C. Code: 2Lm	5-D. Legal Authority: P.L. 95-190	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
Deputy Press Secretary	Senior Advisor to the Administrator for Operations & Implementation

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
AD	0301	00	00	$94,796.00	PA	AD	0301	00	00	$100,981.00	PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
US, EPA, Office of the Administrator - A0G000000 Office of Public Affairs	A0000000 - US EPA, Office of the Administrator Washington, DC 20460

EMPLOYEE DATA

23. Veterans Preference: 1 - None; 3 - 10-Point/Disability; 5 - 10-Point/Other; 2 - 5-Point; 4 - 10-Point/Compensable; 6 - 10-Point/Compensable/30%
24. Tenure: 0 - None; 2 - Conditional; 1 - Permanent; 3 - Indefinite
25. Agency Use
26. Veterans Preference for RIF: YES / NO
27. FEGLI
28. Annuitant Indicator
29. Pay Rate Determinant
30. Retirement Plan
31. Service Comp. Date (Leave)
32. Work Schedule
33. Part Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied: 2 — 1 - Competitive Service; 3 - SES General; 2 - Excepted Service; 4 - SES Career Reserved
35. FLSA Category: E
36. Appropriation Code: 17/18 B 11A ZZZME8
37. Bargaining Unit Status: 9999
38. Duty Station Code
39. Duty Station: Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship (1 - USA, 8 - Other)	50. Veterans Status	51. Supervisory Status
						N

PART C - Reviews and Approvals *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature: [signature]
Approval Date: 9-6-17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

FPPS

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

___ OGE 450 Not Required

___ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day -midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

0 2335378

SF 52 (E-Forms 4.4)
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

SRO Approval FPPS 5/16/17
John E Reeder

REQUEST FOR PERSONNEL ACTION

1. Actions Requested: Administratively Determined Appointment	2. Request Number: IO-2017-058
3. For Additional Information Call (Name and Telephone Number): Felicia Peppins — Local Tracking No:	4. Proposed Effective Date: 03/05/2017
5. Action Requested By (Typed Name, Title, Signature, and Request Date): Michael Flynn Acting Deputy Administrator 2/23/17	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): E. Scott Pruitt / Administrator

1. Name	2. Social Security Number	3. Date of Birth	4. Effective Date
Ferguson, Lincoln	Personal Matters / Ex. 6	Personal Matters / Ex. 6	03-13-2017

5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
170	EXC Appt.		
5-C. Code	**5-D. Legal Authority**	**6-C. Code**	**6-D. Legal Authority**
ZLM	P.L. 95-190		
5-E. Code	**5-F. Legal Authority**	**6-E. Code**	**6-F. Legal Authority**

7. FROM: Position Title and Number	15. TO: Position Title and Number
	Speechwriter

8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
						AD	0301	00	00		PA

12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
	[redacted] USEPA, Office of the Administrator Office of Public Affairs Washington, DC 20460

23. Veterans Preference	24. Tenure	25. Agency Use	26. Veterans Preference for RIF
1 (1 - None, 3 - 10-Point/Disability, 5 - 10-Point/Other; 2 - 5-Point, 4 - 10-Point/Compensable, 6 - 10-Point/Compensable/30%)	3 (0 - None, 1 - Permanent, 2 - Conditional, 3 - Indefinite)		YES [ ] NO [X]

27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant
CO	9	0

30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part Time Hours Per Biweekly Pay Period
KR	03-13-17	F	00

34. Position Occupied	35. FLSA Category	36. Appropriation Code	37. Bargaining Unit Status
2 (1 - Competitive Service, 2 - Excepted Service, 3 - SES General, 4 - SES Career Reserved)	E	17/18 B 11H ZZZME8	8888

38. Duty Station Code	39. Duty Station
	Washington, DC 20460

40. Agency Data	41.	42.	43.	44.

45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship	50. Veterans Status	51. Supervisory Status
				1 (1 - USA, 8 - Other)	X	N

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D. Staffing	G. Feasley	3/10/17
B. PSB	[signature]	3/17/17	E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.	Signature	Approval Date
	[signature]	3/10/17

CONTINUED ON NEXT PAGE

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7540-01-333-6239

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.) ☐ YES ☐ NO

__ OGE 450 Not Required

__ OGE 450 Required

Signed: _____, DEO

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address *(Number, Street, City, State, ZIP Code)*

Message

From: Leopold, Matt [Leopold.Matt@epa.gov]
Sent: 4/17/2018 8:57:45 PM
To: Wilcox, Jahan [wilcox.jahan@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Ferguson, Lincoln [ferguson.lincoln@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Greaves, Holly [greaves.holly@epa.gov]
Subject: RE: Matt are we good?

Here's a revised version that is more accurate as to GAO's findings. Thanks

Deliberative Process / Ex. 5

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Wilcox, Jahan
Sent: Tuesday, April 17, 2018 3:55 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Subject: Matt are we good?

From: Greaves, Holly
Sent: Tuesday, April 17, 2018 3:04 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: APPROVAL: EPA Statements & Background Information

I think the statement is fine. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Wilcox, Jahan
Sent: Tuesday, April 17, 2018 2:44 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: APPROVAL: EPA Statements & Background Information

Just talked with Holly. Matt or Holly can you approve the updated statement:

Deliberative Process / Ex. 5

From: Wilcox, Jahan
Sent: Tuesday, April 17, 2018 10:33 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: APPROVAL: EPA Statements & Background Information

Below is an updated 1x1 that I will send to all reporters/networks (once approved) regarding the GAO and OIG reports. The following people need to specifically approve this: Ryan, Matt and Holly.

Good morning -

With EPA's Office of Inspector General and the U.S. Government Accountability Office issuing reports yesterday, we want to make sure you have these responses and the attached background information.

RESPONSE TO GAO REPORT

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/15/2018 5:28:34 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]
CC: Leopold, Matt [Leopold.Matt@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]
Subject: Re: Draft OIG Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions

I understand. Got it.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6 Personal Privacy (PP)

> On Apr 15, 2018, at 12:00 PM, Vizian, Donna <Vizian.Donna@epa.gov> wrote:
>
> Ryan the one change I would make is to delete Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

>> On Apr 14, 2018, at 5:52 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> So to come full circle, the OIG would not provide me an unredacted copy of the report, but the following are the people involved.
>>
>> Employee A is Sarah Greenwalt
>> Employee B is Millan Hupp
>> Employee C is Forrest McMurray
>> Employee D is Liz Bowman
>> Employee E is Kevin Chmeileiski
>> Employee F is Brittany Bolen (who has since received a promotion and raise)
>> Employee G is Lincoln Ferguson

Deliberative Process / Ex. 5

>>
>> I think we say the same thing to the media which we would say to the OIG.
>>
>> I think it should still be the following:
>>

Deliberative Process / Ex. 5

>>
>> I would like to email this to Art in advance of Monday morning. Will you let me know any of your thoughts?
>>
>>
>> From: Trefry, John
>> Sent: Friday, April 13, 2018 5:35 PM
>> To: Jackson, Ryan <jackson.ryan@epa.gov>
>> Cc: Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Christensen, Kevin <Christensen.Kevin@epa.gov>

>> Subject: FW: Draft OIG Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions
>>
>> Ryan Jackson,
>>
>> Please see the below e-mail that was sent to you and others on April 11 at 3:44 PM.
>>
>> Than You
>> John Trefry
>> Director, Forensic Audits
>>
>> From: Trefry, John
>> Sent: Wednesday, April 11, 2018 3:44 PM
>> To: Pruitt, Scott <Pruitt.Scott@epa.gov<mailto:Pruitt.Scott@epa.gov>>; Jackson, Ryan <jackson.ryan@epa.gov<mailto:jackson.ryan@epa.gov>>; Minoli, Kevin <Minoli.Kevin@epa.gov<mailto:Minoli.Kevin@epa.gov>>; Leopold, Matt <Leopold.Matt@epa.gov<mailto:Leopold.Matt@epa.gov>>; Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; Vizian, Donna <Vizian.Donna@epa.gov<mailto:Vizian.Donna@epa.gov>>
>> Subject: Draft OIG Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions
>>
>> Attached is a Draft Report titled: Management Alert: Salary Increases for Certain Administratively Determined Positions (Project No. OA&E-FY-18-0085) which identifies certain factual information related to our ongoing audit of Administratively Determined Positions.
>>
>> Please review the attached draft report.
>>
>> We do not distribute draft reports to the general public; therefore, you are not authorized to distribute or disclose this information or its contents outside your organization, except to your staff for review and comment.
>>
>> If you have and questions, please contact me at (202) 566-2474.
>>
>> John Trefry, CPA, CFE, MPA
>> US Environmental Protection Agency
>> Office of the Inspector General
>> Office of Audit and Evaluations – Forensic Audits
>> Washington DC
>> 202-566-2474
>>
>>
>> <Draft Management Alert Report OA&E_FY18_0085.pdf>

PERSONNEL UPDATE
Pay Period 6/11/17 – 6/24/17

CID

TO: Jessica Taylor, Director, CID
Ted Stanich, Deputy Director, CID

FROM: Olenka Mackey (303-462-9410)
Human Resources Team, RMS

Recruits:

2087265 89127	Vacant	Administrative Specialist GS-301-9 (FPL GS-11) Atlanta AO	Atlanta, GA	SME: Jay Green Specialist: Michelle Bullock-Smith Area: All Federal, Atlanta Area PCS: No Announcement: CI-OECA-MP-2017-0008 Date: 12/14/16 – 12/28/16 No selection will be made and cert needs to be returned to HR.
0874073	Vacant	Criminal Investigator GS-1811-14, NCFL TL Investigations Branch	Jacksonville, FL	SME: Willie Fortuno Specialist: Sonya Pritchard Area: OCEFT Internal PCS: No Announcement: CI-OECA-MP-2017-0019 Date: 5/19/17 – 6/1/17 Certs issued 6/2/17; due 7/17/17; expire 8/31/17. Panel interviews will be conducted week of 7/24/17.
0820043 102297	Vacant	Supv. Criminal Investigator GS-1811-14 ASAC, Chicago AO	Chicago, IL Minneapolis, MN Indianapolis, IN Middleburgh Heights, OH Grosse Ile, MI	SME: Jay Green Specialist: Sonya Pritchard Area: OCEFT Internal PCS: No Announcement: CI-OECA-MP-2017-0026 Date: 5/30/17 – 6/13/17 Waiting for certs.

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0820145 102301	Vacant	Supv. Criminal Investigator GS-1811-14 ASAC, Dallas AO	Dallas, TX Houston, TX Baton Rouge, LA	Same as ASAC, Chicago, above.
0819990 102290	Vacant	Supv. Criminal Investigator GS-1811-14 ASAC, Atlanta AO	Atlanta, GA, Nashville, TN Louisville, KY Charlotte, NC Research Triangle Park, NC Knoxville, TN Gulf Breeze, FL Miami, FL Tampa, FL	Same as ASAC, Chicago, above.
1007126 104719	Vacant	Supv. Criminal Investigator GS-1811-15 Asst. Dir. for Investigations	Washington, DC Boston, MA New York, NY Philadelphia, PA Atlanta, GA Chicago, IL Dallas, TX Kansas City, KS Denver, CO San Francisco, CA Seattle, WA Brunswick, GA Glynco, GA Jacksonville, FL Lakewood, CO	Recruit package entered into FPPS 6/6/17. Will be advertised as temporary, nte 1 year, may be extended and/or made permanent without further competition.

Internal Announcements:

17-10	Frank Garcia – Houston	Criminal Investigator GS-1811-9/11/12/13	Baton Rouge, LA Detroit, MI Houston, TX Los Angeles, CA	Internal announcement for permanent reassignments to multiple cities open 4/21/17 – 5/4/17. No PCS. Mass Mailer sent to all OCEFT employees.
17-13	Vacant	Supv. Criminal Investigator GS-1811-15 Asst. Dir. for Investigations	Any OCEFT location	Internal announcement for a detail, nte 1 year, open 6/13/17 – 6/21/17. Mass Mailer sent to all OCEFT employees.

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Losses:

	Vernesa Jones-Allen 2991	Supv. Criminal Investigator SAC, GS-1811-15 New York AO	New York, NY	Retirement proposed effective 6/30/17. (Mairose)
0954323	Wendy Su 29831	Criminal Investigator GS-1811-13 Philadelphia AO	Baltimore, MD	Reassignment to PSD effective 6/11/17.
	John Hinton 2333789	Criminal Investigator GS-1811-13 Denver AO	Bismarck, ND	Transfer to another agency pending.
	Darin Mugleston 16433	Criminal Investigator GS-1811-13 Seattle AO	Boise, ID	Retirement proposed effective 6/30/17.
1008825	Adam Rodriguez	Criminal Investigator GS-1811-11 Philadelphia AO	Wheeling, WV	Transfer to HSI submitted to HR 6/13/17. Proposed effective 6/24/17.
	Charles Ferrante	Criminal Investigator GS-1811-13 Philadelphia AO	Philadelphia, PA	Retirement proposed effective 9/30/17.

Gains:

0378888	Jeff McAtee 31530	Media Communications Specialist, GS-1035-14 Investigations Branch	Washington, DC	Reassignment from IO-PAC entered into FPPS 1/25/17. ON HOLD per CID.
0980748	Eric Weese 20777	Criminal Investigator GS-1811-15 CID Immediate Office	Washington, DC	Reassignment from IO-PSD submitted to HR 65/17. Proposed effective 6/25/17.

Promotions:

0721810	Michael Charland 2333821	Criminal Investigator GS-1811-12 Seattle AO	Anchorage, AK	Career ladder promotion effective 6/11/17.
0731789	Cynthia Francis 2333898	Administrative Officer GS-341-12 Denver AO	Denver, CO	Career ladder promotion effective 6/11/17.
0880997	Maris Jones 2333824	Criminal Investigator GS-1811-12 New York AO	New York, NY	Career ladder promotion submitted to HR 5/12/17. Proposed effective 7/9/17.

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Details/Temporary Promotions:

0955926	Michael Burnett 17034	Criminal Investigator Team Leader, CSEE Investigations Br.,	Kansas City, KS	Extension of Detail submitted to HR 5/26/17. Proposed effective 6/18/17 – 10/15/17.
0794170	Jeffrey McAtee 31530	Unclassified Duties, GS-14 Investigations Branch	Washington, DC	REMINDER: Detail from IO-PAC effective 5/11/17 – 9/7/17. Will be terminated when permanent reassignment is processed.
0379218	Jennifer Lynn 4816	Supv. Criminal Investigator GS-1811-15 SAC, Philadelphia AO	Philadelphia, PA	REMINDER: Temporary promotion effective 3/5/17 – 7/2/17. Cannot be extended.
0415703	Scot Adair 18417	Supv. Criminal Investigator GS-1811-15 SAC, Chicago AO	San Francisco, CA	REMINDER: Temporary promotion effective 3/5/17 – 7/2/17. Cannot be extended.
0678092 75707	Daniel Weese 16827	Supv. Criminal Investigator GS-1811-15 Asst. Dir. for Training	Any OCEFT location	REMINDER: Competitive temporary promotion effective 9/4/16 - 9/3/17. May be extended and/or made permanent without further competition. RMS researching options on making permanent.
0490744	Brad Ostendorf 10653	Supv. Criminal Investigator GS-1811-14 ASAC, Chicago AO	Cleveland, OH	REMINDER: Temporary promotion effective 3/5/17 – 7/2/17. Cannot be extended.
0637441	Nicole Bein 30570	Supv. Criminal Investigator GS-1811-14 ASAC, Philadelphia AO	Arlington, VA	REMINDER: Temporary promotion effective 4/2/17 – 7/30/17. Cannot be extended.
0724890	Eric Weese 20777	Unclassified Duties GS-1811-15 CID Immediate Office	Washington, DC	REMINDER: Detail from IO-PSD effective 4/30/17 - 8/27/17. Will be terminated when permanent reassignment is processed.
0850480	Kristopher Martel 31736	Supv. Criminal Investigator GS-1811-14 ASAC, Atlanta AO	Nashville, TN	REMINDER: Temporary promotion effective 5/28/17 – 9/24/17. Cannot be extended.
	Paula Thomas	Program Specialist GS-343-13 Operations Branch	Washington, DC	Detail to OFA being finalized.

Student Programs:

---	Todd Zaleski	Student Volunteer	Detroit, MI	REMINDER: Student volunteer appointment expired 5/31/17. CID needs to submit hours worked to HR.

Other:

	Jason Piccolo 2333761	Criminal Investigator GS-1811-14	Washington, DC	Reassignment from Operations Branch will be prepared as soon as PD is developed.

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0986694	Socrates Michael 27197	Criminal Investigator GS-1811-13 Philadelphia AO	Baltimore, MD	Change in Duty Location from Arlington, VA, submitted to HR 6/5/17. Proposed effective 6/25/17. No PCS. Justification sent to HR 6/14/17.
1008409	Francis Garcia 19739	Criminal Investigator GS-1811-13 Dallas AO	Houston, TX	Reassignment from Investigations Branch, Jacksonville, FL, submitted to HR 6/13/17. Proposed effective 7/9/17.

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PERSONNEL UPDATE
Pay Period 6/11/17 – 6/24/17

IMMEDIATE OFFICE

(Includes PAC, PIQA, RMS, and PSD)

TO: Henry Barnet, Director, OCEFT
Pamela Mazakas, Deputy Director, OCEFT

FROM: Olenka Mackey (303-462-9410)
Human Resources Team, RMS

Recruits:

98932/ 0548813 & 98973/ 0554026 & 98975/ 0554135	Paul Dass Byron Garcia William Stull	Criminal Investigator GS-1811-11/12, PSD	Washington, DC	SME: Eric Weese Specialist: Sonya Pritchard Area: All Federal PCS: No Announcement: CI-OECA-MP-2017-022 Date: 3/27/17 – 4/7/17 Certs issued 5/5/17; due 7/19/17; expire 8/3/17. Paul Dass and William Stull have accepted tentative offers, Byron Garcia declined.
104759/ 1010109 & 104763/ 1010182 & 104764/ 1010228 & 104767/ 1010270 & 104768/ 1010304 & 104770/ 1010328	Vacant (6 positions)	Criminal Investigator GS-1811-11/12, PSD	Washington, DC	Same vacancy as above. Actions are being held in FPPS until approval for additional positions is received from the AA's office, at which time certs with additional selections will be submitted to HR.

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	Vacant (3 positions)	Criminal Investigator GS-1811-12/13 Protection Services Detail	Washington, DC	Recruit actions will be entered into FPPS once approval is received from the AA's office.
0923490 103650	Vacant	Supv. Criminal Investigator SAC, PSD, GS-1811-14/15 Protection Services Detail	Washington, DC	SME: Pam Saunders Specialist: Area: OCEFT only PCS: No Announcement: Date: Recruit action submitted to HR 5/25/17. JARS sent to HR 5/25/17. Position will be advertised as temporary, nte 1 year, may be extended and/or made permanent without further competition.
	Vacant	Criminal Investigator ASAC, PSD, GS-1811-14 Protection Services Detail	Washington, DC	Per OAP, this position cannot be supervisory without a reorg. PD needs to be developed and reorg will be submitted, moving PSD from the IO to CID.
	Vacant	Administrative Specialist Protection Services Detail	Washington, DC	Grade and series need to be determined and PD needs to be developed. Position will be put on hold and not submitted as part or reorg.

Internal & Talent Hub Announcements: None

Losses:

0378888	Jeff McAtee 31530	Media Communications Sp. GS-1035-14 PAC	Washington, DC	Reassignment to CID Investigations entered into FPPS 1/25/17. ON HOLD per CID.
0980748	Eric Weese 20777	Supv. Criminal Investigator GS-1811-15 PSD	Washington, DC	Reassignment to CID submitted to HR 6/5/17. Proposed effective 6/25/17.

Gains:

0954323	Wendy Su	Criminal Investigator GS-1811-13 PSD	Washington, DC	Reassignment from CID, Philadelphia AO, Baltimore, MD, effective 6/11/17.
	Paul Dass	Criminal Investigator GS-1811-11 PSD	Washington, DC	Tentative offer made and accepted 6/8/17. Needs clearances: ☐ Medical ☐ Drug ☐ Security

	William Stull	Criminal Investigator GS-1811-11 PSD	Washington, DC	Tentative offer made and accepted 6/8/17 Needs clearances: ☐ Medical ☐ Drug ☐ Security

Promotions:

	Maurice Braham	Program Specialist GS-301-12	Washington, DC	Career ladder promotion undergoing signature process. Eligible 4/2/17. ON HOLD per IO.

Details/Temporary Promotions:

0794170	Jeff McAtee 31530	Unclassified duties GS-14	Washington, DC	REMINDER: Detail to CID effective 5/11/17 – 9/7/17. Will be terminated when permanent reassignment is processed.
0689009	Jennifer Jackson 29796	Criminal Investigator GS-1811-13 PSD	Washington, DC	HR processed the termination of detail 4/15/17, but reassignment was not effective until 4/30/17. Request has been sent to HR to correct termination of detail to 4/29/17. HR says they cannot correct and a new detail needs to be entered. Matter will be dropped.
1053609	Deborah Sahadeo 18827	Unclassified duties RMS, GS-11	Washington, DC	Extension of detail from PAC entered into FPPS 6/14/17. Proposed effective 7/10 17 – 11/7/17.
1035011	Eric Weese 20777	Unclassified Duties GS-1811-15 CID	Washington, DC	Termination of detail submitted to HR 6/13/17, proposed effective 6/24/17 and HR has been reminded that, if the permanent reassignment is processed later than 6/25/17, then the termination of detail needs to be adjusted accordingly.
0725028	Pasquale Perrotta 23229	Supv. Criminal Investigator GS-1811-14 Chief, PSD	Washington, DC	REMINDER: Temporary promotion effective 4/30/17 – 8/27/17. Cannot be extended.

Other: None

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PERSONNEL UPDATE
Pay Period 4/30/17 – 5/13/17

CID

TO: Jessica Taylor, Director, CID
Ted Stanich, Deputy Director, CID

FROM: Olenka Mackey (303-462-9410)
Human Resources Team, RMS

Recruits:

2087265 89127	Vacant	Administrative Specialist GS-301-9 (FPL GS-11) Atlanta AO	Atlanta, GA	SME: Jay Green Specialist: Michelle Bullock-Smith Area: All Federal, Atlanta Area PCS: No Announcement: CI-OECA-MP-2017-0008 Date: 12/14/16 – 12/28/16 Certs issued 12/30/17; due 2/8/17; expired 3/30/17. Will probably be cancelled by HR.
2476074 93366	Vacant	Criminal Investigator GS-1811-14, NCFL TL Investigations Branch	Jacksonville, FL	SME: Willie Fortuno Specialist: Sonya Pritchard Area: OCEFT Internal PCS: No Announcement: CI-OECA-MP-2017-0019 Date: Recruit action resubmitted to HR on 5/1/17.
0820043 102297	Vacant	Supv. Criminal Investigator GS-1811-14 ASAC, Chicago AO	Chicago, IL Minneapolis, MN Indianapolis, IN Cleveland, OH Detroit, MI	Recruit package submitted to HR 4/28/17.
0820145 102301	Vacant	Supv. Criminal Investigator GS-1811-14 ASAC, Dallas AO	Dallas, TX Houston, TX Baton Rouge, LA	Recruit package submitted to HR 4/28/17.

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0819990 102290	Vacant	Supv. Criminal Investigator GS-1811-14 ASAC, Atlanta AO	Atlanta, GA, Nashville, TN Louisville, KY Charlotte, NC Research Triangle Park, NC Knoxville, TN Gulf Breeze, FL Miami, FL Tampa, FL	Recruit package submitted to HR 4/28/17.

Internal Announcements:

17-09	Vacant	Supv. Criminal Investigator GS-1811-15, SAC Philadelphia AO	Philadelphia, PA	Internal announcement for permanent reassignment open 1/13/17 – 1/27/17. Mass Mailer sent to all OCEFT employees. No selection made. CANCELLED
17-10	Vacant	Criminal Investigator GS-1811-9/11/12/13	Baton Rouge, LA Detroit, MI Houston, TX Los Angeles, CA	Internal announcement for permanent reassignments to multiple cities open 4/21/17 – 5/4/17. No PCS. Mass Mailer sent to all OCEFT employees.

Losses:

0688901	Jennifer Jackson 29796	Criminal Investigator GS-1811-13 Philadelphia AO	Philadelphia, PA	Reassignment to PSD effective 4/30/17.
	Vernesa Jones-Allen 2991	Supv. Criminal Investigator SAC, GS-1811-15 New York AO	New York, NY	Retirement proposed 5/31/17. (Mairose)
0823425	James Lorah 5066	Criminal Investigator GS-1811-13 Philadelphia AO	Philadelphia, PA	Retirement effective 4/29/17. (Mairose)
	Vernon Jackson 16883	Supv. Criminal Investigator GS-1811-15 Asst. Director for Operations	Washington, DC	Reassignment to OARM, SMD, effective 4/30/17. Paperwork prepared by OARM.
	Wendy Su	Criminal Investigator GS-1811-13 Philadelphia AO	Baltimore, MD	Reassignment to PSD pending.
	John Hinton	Criminal Investigator GS-1811-13 Denver AO	Bismarck, ND	Reassignment to PSD pending.

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Gains:

0378888	Jeff McAtee	Media Communications Specialist, GS-1035-14 Investigations Branch	Washington, DC	Reassignment from IO-PAC needs to be entered into FPPS. ON HOLD per CID.

Promotions:

0508847	Gary Carrell	Criminal Investigator GS-1811-12 Philadelphia AO	Wheeling, WV	Career ladder promotion effective 4/30/17.
0721810	Michael Charland 2333821	Criminal Investigator GS-1811-12 Seattle AO	Anchorage, AK	Career ladder promotion submitted to HR 4/5/17. Proposed effective 6/11/17.
0731789	Cynthia Francis 2333898	Administrative Officer GS-341-12 Denver AO	Denver, CO	Career ladder promotion submitted to HR 4/28/17. Proposed effective 5/28/17.

Details/Temporary Promotions:

0453625	Michael Burnett 17034	Criminal Investigator Team Leader, CSEE Investigations Br.,	Kansas City, KS	REMINDER: Detail effective 2/19/17 – 6/18/17.
0794170	Jeffrey McAtee 31530	Unclassified Duties, GS-14 Investigations Branch	Washington, DC	Extension of detail from IO-PAC entered into FPPS 4/20/17. Proposed effective 5/11/17. Will be terminated when permanent reassignment to CID is processed.
2969048	Robin Hedden 8607	Supv. Criminal Investigator GS-1811-14 ASAC, Atlanta AO	Knoxville, TN	Temporary promotion expires 5/7/17. Cannot be extended.
0379218	Jennifer Lynn	Supv. Criminal Investigator GS-1811-15 SAC, Philadelphia AO	Philadelphia, PA	REMINDER: Temporary promotion effective 3/5/17 – 7/2/17. Cannot be extended.
0415703	Scot Adair 18417	Supv. Criminal Investigator GS-1811-15 SAC, Chicago AO	San Francisco, CA	REMINDER: Temporary promotion effective 3/5/17 – 7/2/17. Cannot be extended.
0678092 75707	Daniel Weese 16827	Supv. Criminal Investigator GS-1811-15 Asst. Dir. for Training	Any OCEFT location	REMINDER: Competitive temporary promotion effective 9/4/16 - 9/3/17. May be extended and/or made permanent without further competition. RMS researching options on making permanent.
0490744	Brad Ostendorf 10653	Supv. Criminal Investigator GS-1811-14 ASAC, Chicago AO	Cleveland, OH	REMINDER: Temporary promotion effective 3/5/17 – 7/2/17. Cannot be extended.

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0637441	Nicole Bein 30570	Supv. Criminal Investigator GS-1811-14 ASAC, Philadelphia AO	Arlington, VA	REMINDER: Temporary promotion effective 4/2/17 – 7/30/17
0724890	Eric Weese 20777	Unclassified Duties GS-1811-15 CID Immediate Office	Washington, DC	Detail from IO-PSD effective 4/30/17.
0850480	Kristopher Martel 31736	Supv. Criminal Investigator GS-1811-14 ASAC, Atlanta AO	Nashville, TN	Temporary promotion submitted to HR 5/4/17. Proposed effective 5/14/17, nte 120 days. Highly likely that HR will process effective 5/28/17.

Student Programs:

---	Todd Zaleski	Student Volunteer	Detroit, MI	REMINDER: Student volunteer appointment expires 5/31/17.

Other:

0724573	Adrienne Ciolli 22124	Criminal Investigator GS-1811-13 Kansas City AO	Kansas City, KS	Reassignment to add Use of Force Coordinator duties entered into FPPS 4/5/17. Submitted to HR 4/19/17. Proposed effective 4/30/17. HR returned action 5/4/17, as they are no longer doing reassignments for PD amendments. PD amendment was signed by classifier and is effective immediately.
0725305	Eugene O'Neill 29207	Law Enforcement Forensics Specialist GS-1801-13 Training Branch	Edison, NJ	Reassignment to add CISM/Peer Support Coordinator duties entered into FPPS 4/5/17. Submitted to HR 4/19/17. Proposed effective 4/30/17. HR returned action 5/4/17, as they are no longer doing reassignments for PD amendments. PD amendment was signed by classifier and is effective immediately.

ED_002324B_00012726-00004

Message

From: Mackey, Olenka [Mackey.Olenka@epa.gov]
Sent: 6/1/2017 6:56:36 PM
To: Barnet, Henry [Barnet.Henry@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]
CC: Takes, Marion [Takes.Marion@epa.gov]; Toy, Nancy [Toy.Nancy@epa.gov]; Conner, Debra [Conner.Debra@epa.gov]; Roman, Diane [Roman.Diane@epa.gov]; Cavanaugh, Charles [Cavanaugh.Charles@epa.gov]; Graham, Pamela [Graham.Pamela@epa.gov]; Sheppard, Diana [Sheppard.Diana@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Saunders, Pam [Saunders.Pam@epa.gov]; Fletcher, Tracy [Fletcher.Tracy@epa.gov]; Sahadeo, Debbie [Sahadeo.Debbie@epa.gov]
Subject: Personnel Updates
Attachments: 5-28-17 Personnel Update IO.docx; 5-28-17 Personnel Update LCD.docm; 5-28-17 Personnel Update CID.doc; 5-28-17 Personnel Update NEIC.docm

Attached are the latest updates on personnel actions for OCEFT.

PERSONNEL UPDATE
Pay Period 5/28/17 – 6/10/17

IMMEDIATE OFFICE

(Includes PAC, PIQA, RMS, and PSD)

TO: Henry Barnet, Director, OCEFT
Pamela Mazakas, Deputy Director, OCEFT

FROM: Olenka Mackey (303-462-9410)
Human Resources Team, RMS

Recruits:

98932/ 0548813 & 98973/ 0554026 & 98975/ 0554135	Vacant (10 positions)	Criminal Investigator GS-1811-11/12, PSD	Washington, DC	SME: Eric Weese Specialist: Sonya Pritchard Area: All Federal PCS: No Announcement: CI-OECA-MP-2017-022 Date: 3/27/17 – 4/7/17 Certs issued 5/5/17; due 6/19/17; expire 8/3/17. Additional RFEs will be submitted to HR to match number of selections made.
0923490 103650	Vacant	Supv. Criminal Investigator SAC, PSD, GS-1811-14/15 Protection Services Detail	Washington, DC	SME: Pam Saunders Specialist: Area: OCEFT only PCS: No Announcement: Date: Recruit action entered submitted to HR 5/25/17. JARS sent to HR 5/25/17. Position will be advertised as temporary, nte 1 year, may be extended and/or made permanent without further competition.
	Vacant	Criminal Investigator ASAC, PSD, GS-1811-14 Protection Services Detail	Washington, DC	Per OAP, this position cannot be supervisory without a reorg. PD needs to be developed.

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	Vacant	Administrative Specialist Protection Services Detail	Washington, DC	Grade and series need to be determined and PD needs to be developed. Exploring option of lateral transfer, otherwise it will be necessary to receive approval to advertise externally.
	Vacant (3 positions)	Criminal Investigator GS-1811-12/13 Protection Services Detail	Washington, DC	Need to prepare recruit action, JARS, and get approval for advertising at two grades.

Internal & Talent Hub Announcements: None

Losses:

0378888	Jeff McAtee 31530	Media Communications Sp. GS-1035-14 PAC	Washington, DC	Reassignment to CID Investigations entered into FPPS 1/25/17. ON HOLD per CID.
0980748	Eric Weese 20777	Supv. Criminal Investigator GS-1811-15 PSD	Washington, DC	Reassignment to CID entered into FPPS 5/31/17. Proposed effective 6/25/17.

Gains:

0954323	Wendy Su	Criminal Investigator GS-1811-13 PSD	Washington, DC	Reassignment from CID, Philadelphia AO, Baltimore, MD submitted to HR 5/25/17. Proposed effective 6/11/17.

Promotions:

	Maurice Braham	Program Specialist GS-301-12	Washington, DC	Career ladder promotion undergoing signature process. Eligible 4/2/17. ON HOLD per IO.

Details/Temporary Promotions:

0794170	Jeff McAtee 31530	Unclassified duties GS-14	Washington, DC	REMINDER: Detail to CID effective 5/11/17 – 9/7/17. Will be terminated when permanent reassignment is processed.
0689009	Jennifer Jackson 29796	Criminal Investigator GS-1811-13 PSD	Washington, DC	HR processed the termination of detail 4/15/17, but reassignment was not effective until 4/30/17. Request has been sent to HR to correct termination of detail to 4/29/17. Still not corrected as of 5/31/17.
0546502	Deborah Sahadeo 18827	Unclassified duties RMS, GS-11	Washington, DC	REMINDER: Detail from PAC effective 3/12/17 – 7/9/17.

0724890	Eric Weese 20777	Unclassified Duties GS-1811-15 CID	Washington, DC	REMINDER: Detail to CID effective 4/30/17 – 8/27/17. Will be terminated when permanent reassignment is processed.
0725028	Pasquale Perrotta 23229	Supv. Criminal Investigator GS-1811-14 Chief, PSD	Washington, DC	REMINDER: Temporary promotion effective 4/30/17 – 8/27/17. Cannot be extended.

Other: None

ED_002324B_00012847-00003

Barnet, Henry

From: Jackson, Ryan
Sent: Saturday, March 25, 2017 4:05 PM
To: Barnet, Henry
Cc: Reeder, John
Subject: Re: Perrotta Resume 2 4 2017.pdf

Categories: EZ Record - Private, Record Saved - Private

Sounds great. Thank you.

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Matters / Ex. 6

On Mar 25, 2017, at 3:43 PM, Barnet, Henry <Barnet.Henry@epa.gov> wrote:

Deliberative Process / Ex. 5

Sound good?

Henry

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

On Mar 25, 2017, at 3:00 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA

Personal Matters / Ex. 6

On Mar 24, 2017, at 6:31 PM, Barnet, Henry <Barnet.Henry@epa.gov> wrote:

Deliberative Process / Ex. 5

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

From: Perrotta, Pasquale
Sent: Friday, March 24, 2017 5:02 PM
To: Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Perrotta Resume 2 4 2017.pdf

Sir,

I've attached my resume and if you need anything else just let me know.

Yours,
Nino

<Perrotta Resume 2 4 2017.pdf>

Sent from my iPhone

Barnet, Henry

From: Mackey, Olenka
Sent: Wednesday, August 1, 2018 4:30 PM
To: Barnet, Henry
Subject: RE: Personnel info

Hi Henry – Here is the info you requested. Please let me know if you have any questions.

Ex. 6, 7(C)

From: Barnet, Henry
Sent: Wednesday, August 01, 2018 11:54 AM
To: Mackey, Olenka <Mackey.Olenka@epa.gov>
Subject: Personnel info

Olenka,
I need your assistance tracking down personnel dates and assignments for Ex. 6, 7(C) Ex. 6, 7(C) Specifically, I need to know when each individual began as the acting SAC of the PSD and when they were made permanent. Would you know if there was a panel interview or have any info on that?

Thanks,
Henry

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211

Washington, D.C. 20004
202.564.2480

ED_002324B_00013223-00002

Message

From: Barnet, Henry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB4045A7CA97475698CFCE824AE664B1-BARNET, HENRY]
Sent: 4/10/2018 4:35:37 PM
To: Perrotta, Pasquale [Perrotta.Pasquale@epa.gov]
Subject: FW: Security spending

FYI – just noticed you weren't copied on these.

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

From: Bodine, Susan
Sent: Tuesday, April 10, 2018 9:50 AM
To: Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Security spending

I agree with Henry

Sent from my iPhone

On Apr 10, 2018, at 9:46 AM, Barnet, Henry <Barnet.Henry@epa.gov> wrote:

Deliberative Process / Ex. 5

I'm available on my cell Personal Matters / Ex. 6

Thanks,
Henry

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

On Apr 10, 2018, at 8:37 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Deliberative Process / Ex. 5

Before we send I will need the approval from: Susan, Henry and RJ. Our deadline is 10:00 AM ET.

Good evening!

We are working on a story taking a close look at various security decisions at the EPA over the past year and a half -- and the role that Pasquale 'Nino' Perrotta had in justifying them.

I would appreciate any response/comment/context you may have on the story, ideally by late morning tomorrow.

Deliberative Process / Ex. 5

Our reporting indicates that Mr. Perrotta was a driving force behind many of the decisions, including the shift to first-class travel, the installation of biometric locks and security sweeps of Administrator Pruitt's office.

Deliberative Process / Ex. 5

There is an assertion that Perrotta got the lead job protecting Pruitt after the previous head of his detail questioned some security decisions and was reassigned.

Deliberative Process / Ex. 5

There will likely be an assertion that Perrotta has endorsed many moves to boost security and that he's at the center of these decisions to ramp-up spending on security some critics deride as "ridiculous."

Specifically, we may note that Perrotta played a critical role justifying the decision to shift from door-to-door protection of the administrator to around-the-clock protection, a move that means at least 19 agents are required to guard the administrator day and night though according to six weeks of schedules obtained by Sen. Whitehouse, that number may have climbed as high as 32.

Deliberative Process / Ex. 5

We are likely to note that one of the security decisions -- to sweep the administrator's office for bugs -- enriched a Perrotta partner, Edwin Steinmetz.

Deliberative Process / Ex. 5

There may be an assertion that Perrotta's decisions have elevated his stature at the EPA and he has traveled first class with the administrator.

We may repeat the AP's assertion that Perrotta arranged for private security guards during the trip to Italy who arranged "an expansive motorcade" for Administrator Pruitt.

Deliberative Process / Ex. 5

We may repeat the AP's assertion that total security costs have reached nearly $3 million, including pay and travel expenses for protective detail.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We also may assert that five EPA officials who questioned the steep ramp-up in security were reassigned or demoted, according to the New York Times, including Eric Weese, the previous head of Pruitt's security team.

Thanks for your consideration.

Jen.

From: wilcox.jahan@epa.gov At: 04/09/18 22:30:45
To: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)
Cc: Press@epa.gov
Subject: Re: Security spending

Can we circle back tomorrow?
Sent from my iPhone

On Apr 9, 2018, at 10:27 PM, Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:) <jdlouhy1@bloomberg.net> wrote:

Good evening!

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Thanks for your consideration.

Jen.

Jennifer A. Dlouhy
jdlouhy1@bloomberg.net /
jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: 202.807.2159
Personal Matters / Ex. 6
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

Message

From: Barnet, Henry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB4045A7CA97475698CFCE824AE664B1-BARNET, HENRY]
Sent: 4/10/2018 1:16:11 PM
To: Mazakas, Pam [Mazakas.Pam@epa.gov]
Subject: FW: Security spending

FYI

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

From: Wilcox, Jahan
Sent: Tuesday, April 10, 2018 8:37 AM
To: Barnet, Henry <Barnet.Henry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: FW: Security spending

Below are draft responses in bold. Every statement – with the exception of the motorcade in Italy – has been approved and already used somewhere. Please feel free to edit or put someone else name behind the statements.

Before we send I will need the approval from: Susan, Henry and RJ. Our deadline is 10:00 AM ET.

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Thanks for your consideration.

Jen.

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To: Jennifer A. Dlouhy (BLOOMBERG/ NEWSROOM:)
Cc: Press@epa.gov
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Thanks for your consideration.

Jen.

—
Jennifer A. Dlouhy
jdlouhy1@bloomberg.net / jendlouhyenergy@gmail.com
reporterjen@protonmail.com
Desk: Ex. 6
Cell/Text/Signal: Ex. 6
Twitter: @jendlouhyhc
Stories: http://bloom.bg/23Crpvk

Message

From: Kling, David [Kling.Dave@epa.gov]
Sent: 6/28/2017 4:15:42 PM
To: Guerrero, David [guerrero.david@epa.gov]; Wulffen, Rebecca [Wulffen.Rebecca@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Caraballo, Mario [Caraballo.Mario@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Reeder, John [Reeder.John@epa.gov]
Subject: FW: QUESTION - PERSONNEL CONFIDENTIAL
Attachments: 1811 MOU.pdf; OCEFT-PSD-AO Signed MOU June 2011.pdf; OHS MOU 2008.pdf; OCEFTOHS Memo 6-27-17.pdf; John Martin

Importance: High

David and Rebecca –

I left Rebecca a voice mail this morning (Wed., 6/28) on this matter.

Deliberative Process and Attorney Client / Ex. 5

With Friday approaching, we'd appreciate your quick reaction.

****

David J. Kling, Associate Administrator for Homeland Security
U.S. Environmental Protection Agency (1109A)
Room 6426 William Jefferson Clinton Building North
1200 Pennsylvania Ave., N.W., Washington, DC 20460
202 564-6978, Desk 202 564-0317, Fax 202 501-0026

From: Kling, David
Sent: Tuesday, June 27, 2017 2:58 PM
To: Guerrero, David <guerrero.david@epa.gov>; Wulffen, Rebecca <Wulffen.Rebecca@epa.gov>
Cc: Caraballo, Mario <Caraballo.Mario@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: QUESTION - PERSONNEL CONFIDENTIAL
Importance: High

David and Rebecca –

Deliberative Process and Attorney Client / Ex. 5

Deliberative Process and Attorney Client / Ex. 5

****
David J. Kling, Associate Administrator for Homeland Security
U.S. Environmental Protection Agency (1109A)
Room 6426 William Jefferson Clinton Building North
1200 Pennsylvania Ave., N.W., Washington, DC 20460
202 564-6978, Desk 202 564-0317, Fax 202 501-0026

From: Kling, David
Sent: Tuesday, June 27, 2017 2:45 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Caraballo, Mario <Caraballo.Mario@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Taylor, Jessica <taylor.jessica@epa.gov>; Stanich, Ted <Stanich.Ted@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Allen, Reginald <Allen.Reginald@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Henry Barnet (Barnet.Henry@epa.gov) <Barnet.Henry@epa.gov>; Cavanaugh, Charles <Cavanaugh.Charles@epa.gov>
Subject: FW: Follow Up to the June 20, 2017 Meeting -- OHS response

All –

Deliberative Process / Ex. 5

****
David J. Kling, Associate Administrator for Homeland Security
U.S. Environmental Protection Agency (1109A)
Room 6426 William Jefferson Clinton Building North
1200 Pennsylvania Ave., N.W., Washington, DC 20460
202 564-6978, Desk 202 564-0317, Fax 202 501-0026

From: Cavanaugh, Charles
Sent: Tuesday, June 27, 2017 2:05 PM
To: Kling, David <Kling.Dave@epa.gov>; Caraballo, Mario <Caraballo.Mario@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Taylor, Jessica <taylor.jessica@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Stanich, Ted <Stanich.Ted@epa.gov>
Subject: Follow Up to the June 20, 2017 Meeting

Good afternoon everyone:

Deliberative Process / Ex. 5

If you have any questions, please feel free to call.

_____

Chuck Cavanaugh
Associate Director and Deputy Ethics Official
Office of Criminal Enforcement, Forensics and Training (MC 2231A), Room 1211 WJC-S
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
(202) 564-0791
(202) 501-0599 (fax)

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

AUG 7 2012

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM OF UNDERSTANDING

SUBJECT: Update of the Existing Memorandum of Understanding between the Office of the Administrator (Office of Homeland Security) and the Office of Enforcement and Compliance Assurance (Office of Criminal Enforcement, Forensics and Training)

FROM: Deborah Y. Dietrich, Associate Administrator
Office of Homeland Security

TO: Henry Barnet, Director
Office of Criminal Enforcement, Forensics and Training

The Office of Homeland Security (OHS) is proposing an update to the existing Memorandum of Understanding (MOU) between OHS and the Office of Criminal Enforcement, Forensics and Training (OCEFT). The original MOU, signed on June 12, 2006 and updated on January 18, 2008, states OCEFT will provide Special Agent John C. Martin with timely access to those services and equipment necessary for him to comply with the unique requirements associated with the GS-1811 job series. These items include, but are not limited to, mandatory 1811-specific training, medical monitoring, weapons certification, law enforcement equipment and a Government Owned Vehicle (GOV). The original MOU also states OHS will reimburse OCEFT annually for any expenses related to these or associated items.

OHS recommends the items and activities listed in the current MOU remain in effect. Additionally, OHS offers to allow OCEFT to use Mr. Martin to supplement the Administrator's Protective Service Detail (PSD) on a limited basis. Due to Mr. Martin's previous experience as the Team Leader of PSD, we feel he is uniquely qualified to render this type of assistance. This assistance will primarily be for PSD activities in the Washington D.C. metropolitan area and for international trips taken by PSD.

When Mr. Martin's assistance is needed, the PSD Team Leader will contact the OCEFT Director who will work directly with Mr. Martin's supervisor of record, the

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Deputy Associate Administrator (DAA) for OHS, to discuss his availability. Once the DAA for OHS approves, Mr. Martin will work out the details with the PSD Team Leader directly. At all times, the DAA for OHS will remain Mr. Martin's supervisor of record, solely responsible for his day to day work assignments, performance evaluation and all related personnel actions.

Mr. Martin will work with the PSD Team Leader to participate in any PSD training sessions, as needed. Any necessary equipment related to PSD activities will be furnished by OCEFT. This MOU is specific to Mr. Martin only and does not extend to any future OHS employees. Mr. Martin shares the same legal authority to perform all PSD functions and activities with the other members of PSD.

We recognize that, in recent years, the visibility, scrutiny and demands on the Agency's homeland security functions have increased dramatically. We, in the Office of the Administrator, fully support this goal and are pleased to continue our agreement with the Office of Enforcement and Compliance Assurance.

If you agree with the proposed update to the MOU, please sign as indicated below and return it to Diane Bazzle, Director of Executive Services. Diane can be reached at (202) 564-0396.

APPROVED:

Jose Lozano
Deputy Chief of Staff

Deborah Y. Dietrich, Associate Administrator
Office of Homeland Security

Henry Barnet, Director
Office of Criminal Enforcement, Forensics and Training

Message

From: Caraballo, Mario [Caraballo.Mario@epa.gov]
Sent: 6/28/2017 3:39:57 PM
To: Johnson, Melissa [Johnson.Melissa@epa.gov]
CC: Kling, David [Kling.Dave@epa.gov]; Allen, Reginald [Allen.Reginald@epa.gov]
Subject: John Martin
Attachments: SF-52 Action Martin.pdf; Memo Personnel Action Martin.pdf; Position Descripion Martin.pdf; USCODE-2011-title5-sec8336.pdf

Importance: High

Melissa,

Subsequent to our conversation this morning, attached is John Martin's approved PD and relevant language from OPM's 2011 Position Classification Standard for 1811 Criminal Investigators. John's ability to carry a weapon and badge & credentials are currently covered under an MOU between OCEFT and OHS. (see attached MOU). OCEFT has decided to rescind the MOU by Friday 6/30. The rescission of this MOU may have an effect on the employee's pay and employment status.

In March 2006, OHR contacted OPM to double check that the duties of a permanent intelligence position would meet the conditions for and without jeopardizing law enforcement retirement eligibility (The Special Retirement Provisions for Law Enforcement Officers, Firefighters, Air Traffic Controllers, and Military Reserve Technicians, CSRS and FERS Handbook, April 1998). OPM and OHR agreed and the position was approved in 2006. Note: The PD states, "Because the nature of the work the incumbent's position is covered by the laws enforcement retirement provisions 5 U.S.C. §§8336 (C) (1), 8339 (d) (1), 8412 (d) and 8451 (d)

OPM's classification standards:

(*Grade Level Guide for Classifying Investigator Positions*, August 2002, page 14) clearly recognized that criminal investigators could work in positions not related to individual case assignments for specific information-gathering and interpreting missions. The guide states that "…agencies need to have reliable information to subject trends in illegal operations and activities and plans of groups and key individuals that may affect the work of the agency. Hence, some investigators wok on gathering information that does not relate to particular individual case assignments leading to prosecution. The purpose of such information-gathering is to detect trend, plan programs, or accumulate information and knowledge of future cases or for other use in specific program agency involved." In addition, at least four other federal agencies use 1811s to staff their "intelligence" positions and one of them, the FBI, has also implemented an intelligence career track for its 1811 Special Agents. These agents selected for intelligence and national security responsibilities *retained their 1811 law enforcement retirement eligibility.*

At the time in 2006, and to this day at least four Departments/Agencies use 1811's to staff their "intelligence" positions: Department of Interior (DOI), the Food and Drug Administration (FDA), the Department of Agricultural (USDA), and the Federal Bureau of Investigations (FBI). FBI has also implemented an intelligence career track for its 1811 Special Agents. Agents selected for intelligence and national security responsibilities at these D/A's retained their 1811 law enforcement retirement eligibility.

We need OHR to once again affirm if a permanent intelligence position in OHS would meet the conditions for law enforcement retirement eligibility if John does not carry a badge, weapon and credentials. Finally, John will continue to carry out all the relevant intelligence support functions and duties in his PD.

Please get back to me as soon as possible on this matter.

Thanks- Mario

v/r
Mario Caraballo
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
Personal Matters / Ex. 6
WJC North, Room 6426-F/Mail Code 1109A

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

JUN 26 2017

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Rescission of Memoranda of Understanding Between the Office of Criminal Enforcement, Forensics and Training and the Office of Homeland Security

FROM: for Henry E. Barnet, Director Pamela J. Mazakas
Office of Criminal Enforcement, Forensics and Training

THRU: Lawrence E. Starfield, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

TO: David J. Kling, Associate Administrator
Office of Homeland Security

The purpose of this memorandum is to memorialize the discussions held between the Office of Criminal Enforcement, Forensics and Training (OCEFT), the Office of Homeland Security (OHS), the Office of the Inspector General and the Office of the Administrator on June 20, 2017.

Pursuant to our discussions it was agreed that effective June 30, 2017, OHS will return the weapon, badge, credentials, any miscellaneous law enforcement equipment and government operated vehicle currently in the possession of OHS employee, Special Agent John Martin, to OCEFT. If SA Martin is concerned about losing his 1811 status, OCEFT is willing to accept him as a voluntary transfer to a GS-1811 position within OCEFT at his current grade level.

It was agreed that OHS will work with OCEFT to ensure a smooth transition of the return of the EPA law enforcement seat at the National Joint Terrorism Task Force back to OCEFT.

Finally, the Memoranda of Understanding between OCEFT and OHS dated June 12, 2006, January 16, 2008, and August 7, 2012, are rescinded. Additionally, an undated memorandum with a signature effective date of June 11, 2011 is also rescinded. All memoranda are attached for your reference.

If you have any questions, please feel free to contact me at (202) 564-2480.

Concurrence: _____
Kevin Chmeilewski, AO

Attachments (4)

cc: Pamela J. Mazakas, OCEFT
Patrick Sullivan, OIG

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Message

From: Kling, David [Kling.Dave@epa.gov]
Sent: 6/23/2017 4:07:20 PM
To: Caraballo, Mario [Caraballo.Mario@epa.gov]
Subject: Re: John Martin

Thanks, Mario. Let's see how Reggie and John respond.

Sent from my iPhone

On Jun 23, 2017, at 11:24 AM, Caraballo, Mario <Caraballo.Mario@epa.gov> wrote:

Regi,

You'll recall from our meeting last Tuesday (6/20) on Agency program collaboration regarding the Administrator's security that OECA/OCEFT intends to terminate its long-standing MOA with OHS regarding the support (gun, badge and car) of John Martin as early as next Friday (6/30). Dave included this item in his short note on Wednesday (6/21), summarizing decisions from that meeting.

> We question the reasonableness of OECA's short suspense for this termination, which might affect our employee's rights. It could impact John's status as a GS-1811 criminal investigator in the Administrator's Office as well as his pay.

We've spoken to John about a more realistic deadline and we would propose **Thurs., 8/31 -- a little over two months.** At that time, the Administrator's office would need to determine if it could support John's 1811 position (including gun and badge), if John would be reassigned, most likely to OECA, or if some other arrangement could be made which would free OECA of the current MOA.

Background

For many years, OECA has issued and supported John's gun and badge, as well as the use of a car, via an MOA with OHS. This made practical sense, given John's intermittent service to the PSD, OECA's general support for Agency 1811 criminal investigators and the disinterest in the Administrator's Office to take on gun/badge responsibilities for a single individual. John, during this time, has received excellent evaluations for his PSD (and OHS) work, and has been offered full-time PSD leadership opportunities by OECA/OCEFT, which he has not taken given his interest in OHS work. However, OECA, for the past several years, has argued that John's gun, badge and car support should shift to OA/OHS and that the MOA, be vacated. That insistence may be explained in some part by an OIG challenge to the official assignment of a criminal investigator (John) to OHS, an office which does not conduct criminal investigations. That challenge extended to OECA's gun/badge support for John. OHS, over the past couple years, explored the possibility of the Administrator's Office assuming gun/badge responsibilities for John, but there was both OA senior management and OGC reluctance.

Dave and I have told John, since we arrived in OHS in summer 2015 and learned of his arrangements under the MOA that his circumstances could change. In fact, we've been working with John, with your help, to prepare him for a change, witness his training at the Federal Executive Institute. Presently, John seems to thrive on his mix of job responsibilities -- intelligence work at OHS, service on the PSD, and representing the Agency at the National Joint

Terrorism Task Force (NJTTF) along with other 1811s. As a result, the MOA arrangement has continued despite OECA's objections, justified by John's PSD and NJTTF activities.

This ongoing situation changed last Friday (6/16), when OCEFT Director Henry Barnet told Dave that OECA/OCEFT would no longer be using John intermittently on the PSD. Henry also said that OECA/OCEFT intended to staff the NJTTF, where it had signed the Agency's agreement. Essentially, these decisions by OECA eliminated two criminal investigator functions which justified OECA's support for John's gun and badge. Henry, at the Tuesday meeting, indicted his intention to void the OECA/OHS MOA in support of John's gun and badge requirements. Neither Dave nor I had any idea that this action would arise at the meeting and were unprepared for it. Suffice to say that we could hardly agree to a 6/30 MOA suspension on the spot, given its potential implications for John.

John is a highly productive and valued EPA employee who wants to retain his 1811 classification, after more than 18 years. He has known, for some time, that his status in OHS could change, and OECA/OCEFT's recent decisions have now triggered that change. OHS management is prepared to resolve the issue, but next Friday (6/30) is not a reasonable time in which to do it.

Action

We request that OA/OAES propose to OECA in writing early next week that the MOA termination be suspended until Thurs., 8/31. We can help craft that note, which would recognize OECA's decision to terminate the MOA but also afford OA/OHS sufficient time to address associated issues with John, including coverage of the work he would leave behind if he were reassigned to OECA or otherwise left OHS.

During the next couple months:

1. OHS will work with OAES and other personnel specialists, OGC and OARM/LER to clarify the policy and legal considerations associated with OHS retaining an 1811 employee (including gun and badge support) absent the current MOA.

OPM's classification standards (*Grade Level Guide for Classifying Investigator Positions*, August 2002, page 14) clearly recognized that criminal investigators could work in positions not related to individual case assignments for specific information-gathering and interpreting missions. The guide states that "...agencies need to have reliable information to subject trends in illegal operations and activities and plans of groups and key individuals that may affect the work of the agency. Hence, some investigators wok on gathering information that does not relate to particular individual case assignments leading to prosecution. The purpose of such information-gathering is to detect trend, plan programs, or accumulate information and knowledge of future cases or for other use in specific program agency involved." In addition, at least four other federal agencies use 1811s to staff their "intelligence" positions and one of them, the FBI, has also implemented an intelligence career track for its 1811 Special Agents. These agents selected for intelligence and national security responsibilities *retained their 1811 law enforcement retirement eligibility.* Finally, we understand that in March 2006, EPA OHS contacted OPM to affirm if a permanent intelligence position would meet the conditions for law enforcement retirement eligibility. We need OGC to provide in writing its legal opinion to the OA on that matter.

2. OHS will also work with John to examine alternatives to his OHS appointment, including reassignment to OECA. It is possible that such a reassignment is in John's and the Agency's best interest, although OHS would be losing an excellent intelligence analyst.

3. AO needs to ensure we don't lose the FTE since John's loss has impacts to the agency's defensive counterintelligence program functions.

Please let us know if you can support our request. I'll discuss with Dave the possibility of a "head up" call to OCEFT prior to your note, once we know you're willing to send it.

Mario

v/r
Mario Caraballo
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
Personal Matters / Ex. 6
WJC North, Room 6426-F/Mail Code 1109A

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United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION: Washington, D.C.

2. POSITION NUMBER: 55314

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Service	d. Series	e. Grade	f. CLC
Official Allocation	Criminal Investigator	GS	1811	14	
4. SUPERVISOR'S RECOMMENDATION	Criminal Investigator	GS	1811	14	

5. ORGANIZATIONAL TITLE OF POSITION (if any)

6. NAME OF EMPLOYEE: John Martin

7. ORGANIZATION (give complete organizational breakdown)

a.	U. S. ENVIRONMENTAL PROTECTION AGENCY	e.	
b.	Office of the Administrator	f.	
c.	Associate Administrator for Homeland Security	g.	
d.		h. EPAYS Organization Code 1109000	AC000000

8. SUPERVISORY/MANAGERIAL DESIGNATION

___ [S] First or Second level supervisor: An individual who performs supervisory work and managerial responsibilities that require accomplishment of work through combined technical and administrative direction of others and meets the requirements for coverage as described in the General Schedule Supervisory Guide.

__ [A] An individual (as defined in Section 7103(a)(10) of Title V of the U.S. Code) who is authorized to hire, direct, assign, promote, reward, transfer, lay off, suspend, discipline, or remove one or more employees, or effectively recommend such action. The exercise of this responsibility is not routine or clerical in nature, but requires the consistent exercise of independent judgment.

__ [M] A manager who directs the work of an organization; is accountable for the success of line or staff programs; monitors, evaluates, and adjusts program activities; and performs the full range of duties outlined in the General Schedule Supervisory Guide. May also include deputies who fully share responsibility for managing the organization or who serve as an alter ego to the manager.

__ [B] A management official (as defined in Section 7103(a)(11) of Title V of the U.S. Code) who formulates, determines or influences an organization's policies. This means creating, establishing, or prescribing general principles, plans, or courses of action for an organization; or bringing about a course of action for the organization. Management officials must actively participate in shaping the organization's policies not just interpret laws and regulations give resource information or recommendations or serve as experts or highly trained professionals who implement or interpret the organization's policies and plans.

__ [T] "Team Leader" This position meets the requirements for coverage under Part II of the Work Leader Grade Evaluation Guide.

_X_ [N] None of the above applies. This is a non-supervisory/non-managerial position.

9. SUPERVISORY CERTIFICATION **I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.**

a. Typed Name and Title of Immediate Supervisor		d. Typed Name and Title of Second-Level Supervisor	
Jonathan Edwards, Acting Director, OHS		Thomas P. Dunne, AA for Homeland Security	
b. Signature [signature]	c. Date 1/8/08	e. Signature Thomas P. Dunne	f. Date 1/8/08

10. OFFICIAL CLASSIFICATION CERTIFICATION

a. _X_ This position has __ if position develops as planned and employee progresses no promotion potential. satisfactorily, this position has known promotion potential to grade:	HE I	c. Functional Code

d. Bargaining Unit Code	e. Check, if applicable:	f. Signature	g. Date
1	☒ Medical Monitoring Required ☒ Extramural Resources Management Duties (0 % of time) ☒ This position is subject to random drug testing ( )	[signature] *	4.1.09

11. REMARKS: STATEMENT OF DIFFERENCE: * position serves a GS 14 based on new JFPCS for 1810 series from OPM. Position signed to current date of that security b/c no original signed PD could be located. Positive evaluation summary worksheet attached accordingly. CH 4.1.09

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United States Environmental Protection Agency
POSITION DESCRIPTION COVERSHEET

1. DUTY LOCATION Washington, D.C.

2. POSITION NUMBER

3. CLASSIFICATION ACTION: a. Reference of Series and Date of Standards Used to Classify this Position

	b. Title	c. Service	d. Series	e. Grade	f. CLC
Official Allocation	Criminal Investigator	GS	1811	14	
4. SUPERVISOR'S RECOMMENDATION	Criminal Investigator	GS	1811	14	

5. ORGANIZATIONAL TITLE OF POSITION (if any)

6. NAME OF EMPLOYEE John Martin

7. ORGANIZATION (give complete organizational breakdown)

a. U. S. ENVIRONMENTAL PROTECTION AGENCY	e.
b. Office of the Administrator	f.
c. Associate Administrator for Homeland Security	g.
d.	h. EPAYS Organization Code 1109000

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__ [A] An individual (as defined in Section 7103(a)(10) of Title V of the U.S. Code) who is authorized to hire, direct, assign, promote, reward, transfer, lay off, suspend, discipline, or remove one or more employees, or effectively recommend such action. The exercise of this responsibility is not routine or clerical in nature, but requires the consistent exercise of independent judgment.

[M] A manager who directs the work of an organization; is accountable for the success of line or staff programs; monitors, evaluates, and adjusts program activities; and performs the full range of duties outlined in the General Schedule Supervisory Guide. May also include deputies who fully share responsibility for managing the organization or who serve as an alter ego to the manager.

__ [B] A management official (as defined in Section 7103(a)(11) of Title V of the U.S. Code) who formulates, determines or influences an organization's policies. This means creating, establishing, or prescribing general principles, plans, or courses of action for an organization; or bringing about a course of action for the organization. Management officials must actively participate in shaping the organization's policies not just interpret laws and regulations give resource information or recommendations or serve as experts or highly trained professionals who implement or interpret the organization's policies and plans.

__ [T] "Team Leader:" This position meets the requirements for coverage under Part II of the Work Leader Grade Evaluation Guide.

_X_ [N] None of the above applies. This is a non-supervisory/non-managerial position.

9. SUPERVISORY CERTIFICATION **I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.**

a. Typed Name and Title of Immediate Supervisor		d. Typed Name and Title of Second-Level Supervisor	
Jonathan Edwards, Acting Director, OHS		Thomas P. Dunne, AA for Homeland Security	
b. Signature	c. Date 1/8/08	e. Signature Thomas P. Dunne	f. Date 1/8/08

10. OFFICIAL CLASSIFICATION CERTIFICATION

a. _X_This position has no promotion potential. ___ if position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:	HE I	c. Functional Code

d. Bargaining Unit Code	e. Check, if applicable: ☒ Medical Monitoring Required ☒ Extramural Resources Management Duties (0 % of time) ☒ This position is subject to random drug testing ( )	f. Signature	g. Date

11. REMARKS: STATEMENT OF DIFFERENCE:

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CRIMINAL INVESTIGATOR
GS-1811-14
(Special Agent)

I. Introduction

This position is located within the Office of Homeland Security (OHS). The incumbent serves as an Intelligence Advisor to the Administrator. OHS is responsible for advising senior Agency leaders on highly-sensitive matters related to homeland/national security and intelligence; serving as the principal liaison to the U.S. Intelligence Community on matters related to national security; and coordinating with EPA Programs and Regions on matters related to classified and other sensitive information. The incumbent reports directly to the OHS Director, and has broad responsibilities for facilitating the integration of EPA's investigative and intelligence missions.

As a criminal investigator, the incumbent gathers and evaluates information concerning potential or suspected violations of the laws of the U.S., i.e., environmental crimes and threats or acts of terrorism. However the incumbent's focus is not on individual case assignments, but rather accumulating information relevant to EPA's homeland security and law enforcement missions, recognizing and exploring potential terrorist threats, and aligning operations and capabilities with these threats. Because of the nature of the work, the incumbent's position is covered by the law enforcement retirement provisions of 5 U.S.C. §§8336 (c) (1), 8339 (d)(1), 8412(d) and 8415(d).

II. Major Duties and Responsibilities

1. In conjunction with OHS' Senior Intelligence Advisor, leads efforts to build and strengthen the EPA intelligence system/structure and improve interagency coordination on intelligence matters. Works closely with other intelligence points-of-contact within EPA to organize and centralize management of the Agency's intelligence-related resources and activities.

2. Working with OHS' Senior Intelligence Advisor, leads EPA efforts to fuse raw data, law enforcement-sensitive information, and finished intelligence products from other agencies into tailored analyses for EPA senior leadership. Participates in regularly-scheduled intelligence briefings to the Administrator and Deputy Administrator, Chief of Staff, Associate Administrator for Homeland Security, and other senior EPA managers, as appropriate. Provides expert interpretation, advice, and options to enable these managers to make informed decisions related to EPA's homeland security responsibilities.

3. Acts as one of EPA's principal liaisons to the U.S. Intelligence Community on matters related to national security and intelligence. (The Office of Criminal Enforcement, Forensics, and Training is the primary liaison to the U.S. Law Enforcement Community.) Collaborates with OHS' Senior Intelligence Advisor in

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maintaining real-time interface and communication with the Office of the Director for National Intelligence, Department of Homeland Security, Central Intelligence Agency, National Security Agency, National Counter Terrorism Center, Federal Bureau of Investigation, Department of Defense, White House Homeland Security Council, and other organizations to collect all sources of pertinent information related to EPA's homeland security and law enforcement missions. Tracks emerging issues related to homeland/national security to assist EPA's senior leadership in anticipating and responding to crisis situations, and in directing Agency efforts proactively against threats to the U.S.

4. Coordinates major intelligence and homeland security projects and activities with appropriate intra- and inter-agency personnel, working groups, and committees. Develops and oversees implementation of formal intelligence and information-sharing agreements and relationships between EPA and other agencies of the U.S. government.

5. In conjunction with OHS' Senior Intelligence Advisor, provides technical assistance to EPA's Programs and Regions on matters related to sensitive national/homeland security information and intelligence. Coordinates with the Programs and Regions to identify their information requirements and intelligence needs. Serves as a conduit for the timely and appropriate distribution of classified and sensitive information to those with a "need-to-know", both inside and outside the Agency. Works with the Office of Administration and Resource Management (OARM) and EPA managers/staff at all levels to avoid compromise of classified or sensitive information, projects, and programs.

6. Assists OARM and its information security specialists in developing, implementing, and monitoring National Security Information (NSI) and Controlled Unclassified Information (CUI) policies, procedures, and activities such as delegation and exercise of classification and declassification authority; development of classification guides; document marking, safeguarding, and use; personnel access control; need-to-know criteria; security education; etc. Provides advice and guidance to the Administrator, the Chief of Staff, the Associate Administrator for Homeland Security and other senior Agency managers regarding Top Secret/SCI clearance requests for EPA personnel.

7. Advises OCEFT management in providing investigative support to other Federal, state, and local authorities with jurisdiction for prosecuting terrorist acts that include the use of weapons of mass destruction. Provides review and advice in case development activities, as requested.

8. Participates in office events, such as staff meetings, and submits regular updates to the OHS Director.

9. Performs other duties as assigned, including presentation of briefings on EPA's homeland security programs to external and internal contacts, and preparation of

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talking points for senior managers on homeland/national security, intelligence, and law enforcement activities.

III. FACTORS

1. Skills and Knowledge Required for the Position: Level 1-8 1550 Points

Current, permanent Top Secret security clearance.

Experience working with Federal, state, and local law enforcement agencies and interacting with the U.S. intelligence community.

Knowledge sufficient to conduct probing, innovative analyses involving complex variables that impact significantly on the effective development, interpretation, and implementation of important homeland security policies and operational decisions. Demonstrated ability to collect and evaluate data; absorb and synthesize large amounts of information; draw logical, interpretive conclusions; and present these conclusions in a variety of formats and forums.

In-depth understanding of the national-level directives and systems related to intelligence collection, analysis, and dissemination, especially the handling of NSI, Law Enforcement-Sensitive and other SBU information.

Knowledge and ability sufficient to formulate parts of the environmental criminal enforcement programs, policies, and initiatives. This involves evaluating the importance of developing situations and emerging threats where there is little time for deliberation and consultation; resolving conflicting facts and evidence; determining potential links to EPA programmatic responsibilities; and presenting well-considered and sound suggestions. The conclusions and recommendations of the incumbent are generally accepted by EPA decision-makers and strongly influence policy and operational decisions on homeland/national security matters. Knowledge of the laws and decisions related to investigative procedures, functions, and jurisdictions of Federal, state, and local agencies and relationships between agencies; scope, application, and interpretation of laws enforced by EPA; investigative techniques to establish relationship of facts and evidence when relationship is willfully concealed and difficult to locate.

Mastery of the principles and techniques of conducting large-scale, complex investigations. A thorough knowledge of the Federal rules of evidence, including the laws and decisions relating to search, seizure, and arrest; functions and jurisdictions of other Federal, State, and local agencies; relationships between Federal agencies and the need to share information with them or with other governmental jurisdictions that have primary responsibilities for particular kinds of cases.

Knowledge of Federal statutes, plans, regulations, executive orders, and presidential directives that deal with national/homeland security; critical infrastructure protection;

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emergency preparedness, response, and recovery; and protection of EPA personnel and assets.

Experience managing significant projects independently.

2. **Supervisory Controls: Level 2-5** **650 Points**

The OHS Director makes assignments in terms of broadly-defined missions or functions. The incumbent has responsibility for planning, developing, coordinating, and evaluating projects and other work independently. The incumbent must coordinate closely with OHS' Senior Intelligence Advisor to keep the OHS Director informed about progress, potentially controversial matters, and developing conditions or requirements with far-reaching implications. The incumbent's completed work is normally accepted without change, and when it is reviewed, the review concerns such matters as fulfillment of objectives, effect on overall Agency operations, and contributions to Program/Regional efforts. The incumbent's recommendations are typically adopted, and evaluated only for such things as availability of funds and other resources, adherence to national priorities, etc. The OHS Director will confirm the incumbent's compliance with criminal investigator-specific requirements, such as quarterly weapons certification, mandatory agent training, and physical fitness standards.

3. **Guidelines: Level 3-5** **650 Points**

The guidelines of concern are basic legislation, national-level homeland security directives, and broad agency policy statements. Frequently, there are no precedents to govern behavior in unusual and sensitive situations. The criminal investigator must exercise considerable judgment and resourcefulness in interpreting and adapting existing precedents and in developing new or improved approaches to analyze, develop, and present authoritative information on controversial and nationally-important subjects to senior leaders inside and outside of EPA. The methods and procedures developed often serve as precedents for other criminal investigators.

4. **Complexity: Level 4-6** **450 Points**

The work calls for application of broad investigative and analytical functions to support homeland security policy and operational decision-making. The complex intelligence issues under consideration are often characterized by a high level of uncertainty and have extraordinary national security implications. The incumbent must possess a strong sense of timing and proportion. He or she must be able to evaluate the importance of developing situations and emerging threats where there is little time for deliberation and consultation; resolve conflicting facts or evidence; determine potential links to EPA's programmatic responsibilities; and present well-considered and sound suggestions. The work also requires extensive coordination and interaction with technical experts, intelligence officials, and law enforcement agents inside and outside of EPA. Investigations that the incumbent may support are frequently nationwide in origin or coverage and have transborder or international applicability.

5. **Scope and Effect: Level 5-5** **325 Points**

The purpose of the work is to plan, conduct, and coordinate intelligence collection, analysis, and dissemination for EPA. The work performed provides EPA's senior leadership with the expert interpretation, advice, and options to make informed decisions related to the Agency's homeland security responsibilities. The incumbent's work is central to the successful fulfillment of EPA's homeland security mission, and contributes significantly to the investigation and enforcement of environmental laws and criminal statutes of the U.S. The incumbent is recognized as one of EPA's principal intelligence experts throughout the U.S. intelligence and law enforcement communities. The conclusions and recommendations of the incumbent are generally accepted by EPA decision-makers and strongly influence policy and operational decisions on homeland/national security matters.

6. **Personal Contacts:** **Level 6-4** **330 Points**
7. **Purpose of Contacts:** **Level 7-d**

Personal contacts are with counterparts and high-ranking officials within the intelligence and law enforcement communities, high-level policy analysis and program staff in other agencies, and senior managers and staff inside EPA. Contacts are often characterized by their unstructured settings, by the flexibility of approach and breadth of subject matter, and by the need to establish during the contact role and authority of the participants. Contacts with specific policy makers and senior staff are frequent and recurring since the criminal investigator works in a liaison capacity. Contacts may be initiated by other parties as well as by the criminal investigator.

The purpose of the contacts is to collect and exchange information, present balanced intelligence analyses, provide consultation on problems, resolve controversies, and negotiate agreements. Maintaining good working relationships with these diverse contacts requires initiative and persistence. The incumbent's participation in high-level government meetings requires the utmost tact, diplomacy, discretion, and perception regarding the subjects and persons involved.

7. **Physical Demands:** **Level 8-1** **5 Points**

As a law enforcement officer pursuant to 18 U.S.C. §3063 and as defined in 5 U.S.C. §§8331, 8401, and 5541, the incumbent must be in excellent physical condition in order to conduct investigations, carry firearms, execute and serve warrants, and make arrests for any offense against the U.S., as necessary. Specific physical requirements have been established by the Office of Personnel Management.

8. **Work Environment:** **Level 9-1** **5 Points**

The incumbent will perform work in both an office environment and in the field (i.e., law enforcement-related emergency response duties, etc.), requiring special safety

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precautions. The incumbent may enter into environments in which subjects live and work, handling subjects from all walks of life.

10. **Medical Requirements:**

The duties of this position require moderate to arduous physical exertion involving walking and standing, use of firearms, and exposure to inclement weather. Manual dexterity with comparatively free motion of finger, wrist, elbow, shoulder, hip, and knee joints is required. Arms, hands, legs, and feet must be sufficiently intact and functioning in order that applicants may perform the duties satisfactorily. Sufficiently good vision in each eye, with or without correction, is required to perform the duties satisfactorily. Near, vision, corrective lenses permitted, must be sufficient to read printed material the size of typewritten characters. Hearing loss, as measured by an audiometer, must not exceed 35 decibels at 1000, 2000, and 3000 Hz levels. Since the duties of these positions are exacting and responsible, and involve activities under trying conditions, applicants must possess emotional and mental stability. Any physical condition that would cause the applicant to be a hazard to himself/herself, or others is disqualifying.

11. **Availability Requirements:**

The incumbent is entitled to payment of law enforcement availability pay as provided for in 5 U.S.C. §5545. The incumbent may work irregular, unscheduled, and overtime duty to include having responsibility for recognizing, without supervision, circumstances which require remaining on duty. The incumbent must be prepared to return to duty upon being summoned irrespective of holiday or off-time considerations.

Total Points: 3,965

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Extramural Resources Management Duties Checklist

This checklist may be used to identify duties in managing contracts, grants, cooperative agreements, and interagency agreements. It is a tool for identifying duties to be added to position descriptions for positions requiring 25% or more of time on any combination of extramural resources management duties. The checklist may be used as an amendment to position descriptions for positions requiring less than 25% of time on these duties.

Employee Information

Name __John Martin_____ _

Position Number_____

Title Criminal Investigator
Series/Grade__ GS-0132-15_____

Organization AO/OHS_____

Percentage of Time Spent on Extramural Resources Management

__X_ This position has no extramural resources management responsibilities.

____ Total extramural resources management duties occupy less than 25% of time.

____ Total extramural resources management duties occupy 25% to 50% of time. These duties are indicated below and described in the position description.

__------Total extramural resources management duties occupy more than 50% of time. These duties are indicated below and described in the position description.

When this checklist is used as an amendment to a position description, the following signatures are required:

Supervisor's Signature Jonathan Edwards, Acting Director, OHS Date 1/8/08

Personnel Specialist's Signature _____ Date _____

Part 1. Contracts Management Duties

Pre-award:

_____ Plans procurements
_____ Estimates costs
_____ Obtains funding commitments
_____ Prepares procurement requests
_____ Writes statements of work
_____ Reviews statements of work
_____ Processes unsolicited proposals
_____ Responds to pre-award inquiries
_____ Participates in pre-award conferences
_____ Conducts technical evaluation of proposals
_____ Participates in debriefing/protests
_____ Other (list)

Post-award:

_____ Prepares delivery orders
_____ Reviews contractor work plans
_____ Reviews contractor progress reports
_____ Monitors government-furnished property
_____ Monitors cost, management, and overall technical performance of contract after award
_____ Monitors management and performance of delivery orders/work assignments after award
_____ Defines scope of work for work assignments
_____ Approves payment requests or ACH drawdowns
_____ Manages cost-reimbursement contracts
_____ Reviews invoices
_____ Inspects and accepts deliverables
_____ Other (list)

Close-out:

_____ Writes reports on contractor performance, costs, and tasks performed
_____ Reconciles payments with work performance
_____ Closes out payments
_____ Performs cost accounting
_____ Provides assistance to Contracting Officer in settling claims
_____ Other (list)

Percentage of Time Spent on Contracts Management:

0 %

This is an 'official' document generated from the EHRI eOPF system.

Part 2. Grants/Cooperative Agreements Duties

Pre-application/Application:

_____ Prepares solicitation for proposals
_____ Identifies potential grantees for areas of program emphasis
_____ Makes initial determinations (whether project is procurement or assistance, whether agency has legal authority, whether applicant is eligible, whether funding is available, etc.)
_____ Provides administrative information to applicants
_____ Determines appropriateness of applicant's workplan/activities/budget and compliance with regulations and guidelines and negotiates changes with applicant
_____ Assists applicant in resolving issues in application
_____ For cooperative agreement, determines substantial Federal involvement and develops a condition for agreement
_____ Negotiates level of funding
_____ Conducts site visits to evaluate program capability
_____ Serves as resource to Selection Panel
_____ Informs applicants of funding decisions
_____ Other (list)

Award:

_____ Prepares funding package, including Decision Memorandum
_____ Obtains concurrences/approvals
_____ Reviews/concurs in completed document
_____ Establishes project file
_____ Other (list)

Project Management/Administration:

_____ Monitors recipient's activities and progress
_____ Reviews reports and deliverables and notifies recipient of comments
_____ Provides technical assistance to recipients
_____ Advises Grants Management Office of potential problems/issues
_____ Participates in decision/actions to ensure successful project completion and in decisions to impose sanctions
_____ Approves payments requests or ACH drawdowns
_____ Reviews requests for modifications, additional funding, etc. and makes recommendations to Grants Management Office
_____ Negotiates amendments
_____ Reviews Cost/Price/Analysis for recipient contracts/change orders (Superfund only)
_____ When necessary, recommends termination of the agreement
_____ Resolves with Grants Management Office administrative and financial issues
_____ Conducts periodic reviews to ensure compliance with agreement
_____ Other (list)

Close-out:

_____ Certifies deliverables were satisfactory and timely
_____ Provides assistance to recipients and Grants Management Office to ensure timely closeout
_____ Reconciles payment with work performed
_____ Notifies recipient of close-out requirements
_____ Obtains legal assistance if necessary to resolve incomplete close-out
_____ If project is audited, responds to issues and ensures recipient complies with audit recommendations
_____ Other (list)

Percentage of Time Spent on Grants/Cooperative Agreements Management: 0 %

Part 3. Interagency Agreements Duties

Pre-Agreement:

_____ Plans and negotiates work effort
_____ Estimates costs
_____ Obtains funding commitments
_____ Prepares commitment notice
_____ Writes or reviews scope of work
_____ Responds to pre-agreement inquiries
_____ Participates in pre-agreement conferences
_____ Coordinates with appropriate staff in developing Independent Government Cost Estimates (IGEs)
_____ Negotiates and ensures execution of Superfund State Contracts (Superfund only)
_____ Performs technical evaluation of work plan and budget
_____ Prepares funding package and obtains necessary concurrences
_____ Other (list)

Project Management/Administration:

_____ Reviews progress reports/financial reports
_____ Monitors cost management and overall technical performance
_____ Participates in decisions about project modification/termination
_____ Conducts periodic review of Superfund State contracts payment receipts (Superfund only)
_____ Inspects and accepts deliverables
_____ Other (list)

Close-out:

_____ Reviews final report
_____ Decides on disbursement of equipment
_____ Reconciles payments with work performed
_____ Reviews Superfund State Contracts to ensure full reimbursement (Superfund only)
_____ Certifies deliverables
_____ Resolves close-out issues with Grants Management Office/other agency
_____ Other (list)

Time Spent on Interagency Agreements Management: 0 %

Position Evaluation Summary Worksheet

Organization US EPA, Office of the Administrator, Assoc. Adm. for Homeland Sec

Position # 55314

Evaluation Factors	Factor Level Used (FL#, etc)	Points Assigned	Comments
1. Knowledge Required by the Position	1-8	1550	Upheld b/c position develops agency-wide poly, procedures & strategy
2. Supervisory Controls	2-5	650	
3. Guidelines	3-5	650	Upheld, but with reservations
4. Complexity	4-5	325	
5. Scope and Effect	5-5	325	level awarded with reservation
6/7. Personal Contacts and Purpose of Contacts	6 3c	180	No evidence in PD or factors of contacts at the 4-D level
8. Physical Demands	9-1	5	
9. Work Environment	8-1	5	
SUMMARY Total Points		3690	
SUMMARY Grade Conversion		GS-14	

Additional Remarks:
Original signed & previously classified PD can not be located. Lead Classifier for org scored PD that was in EOPF against OPM's New IFPCS for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800, March 2009

Title, Series, and Grade Assigned: GS-1811-14

Prepared by: Chris Hoskins Date: 4-1-09

Agencies may copy for local use.

Message

From: Flynn, Mike [Flynn.Mike@epa.gov]
Sent: 8/17/2017 10:44:10 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Vizian, Donna [Vizian.Donna@epa.gov]
Subject: Re: John Reeder's IPA and update

Personal Matters / Ex. 6 - can definitely make travel difficult. See you Monday.

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
(202) 564- 4711

Sent from my iPhone

On Aug 17, 2017, at 6:29 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Thank you. I'll be back Monday. **Personal Matters / Ex. 6** so he can't travel next week at least on Monday.
>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> **Personal Matters / Ex. 6**
>
> On Aug 17, 2017, at 5:11 PM, Flynn, Mike <Flynn.Mike@epa.gov> wrote:
>
> > Hi Ryan,
> > Hope you are getting a little vacation time in this week. A couple of things on the personnel front –
> >
> > John's IPA: We've gotten the letter from American Univ requesting John, and have a completed IPA form that AU has OK'd. The form is now going through a check in Donna's office and OGC. Our goal is to complete the check by early next week and then have the package ready for signature, which I can do. I've attached the draft IPA form in case you want to review – it's consistent with what John shared with you earlier. Goal is still for John to start in early Sept.
> >
> > Other actions: Donna and I have made good progress on several fronts and can update you Monday when you're back in the office. Or happy to fill you in before then via phone if you'd like – just let us know.
> >
> > Mike
> >
> > **Personal Matters / Ex. 6** (cell)
> > 202-343-9356 (office)

From: Jackson, Ryan
Sent: Friday, August 11, 2017 12:03 PM
To: Reeder, John <Reeder.John@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: More on the IPA

We can make all that work. Thank you sir.

I'm going to start working on my own IPA.

From: Reeder, John
Sent: Friday, August 11, 2017 11:57 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: More on the IPA

Not a done deal, until the IPA form is signed. I feel pretty good that AU is committed to making it work, up to the level of Dean of the school.

I would like to start right after labor day (September 5). It may not be possible, and you/Mike may want me longer (or shorter!). But that's my current goal.

JReeder
564 6082

From: Jackson, Ryan
Sent: Friday, August 11, 2017 11:49 AM
To: Reeder, John <Reeder.John@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: More on the IPA

So what I'm asking is this is a done deal and all the papering up is a formality?

It's a fine pathway ahead. No problems here. For planning, when would you start at AU?

From: Reeder, John
Sent: Friday, August 11, 2017 11:47 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: More on the IPA

Ryan, AU will "request" my service. I expect they will ask *very close* to what I wrote to you, below, which is sort of general.

Then the details are negotiated, to answer your question.

As you might imagine (because we're at EPA), there's more to the process:

1. AU sends a letter requesting me. That may arrive today or early next week;
2. **An IPA form is written, and signed by EPA and AU**. Spells out activities, and governs administrative things like AU provides computer, office space, local travel costs, business cards, etc. THIS IS THE MAIN THING.
3. Cost-Benefit form must be filled out (EPA only, not involving AU)
4. Employment certification form (EPA only, not involving AU)
5. OGC "conflict of interest" clearance (EPA only, not involving AU)

I will run the process and don't need help...except for various clearance matters (e.g., OGC review).

You will review the IPA form and provide approval.

Does this help? **Do you want to talk before your annual leave next week**?
If you like the direction so far, I can have the FORM (#2 above) and everything ready when you get back.

Thank you
John E. Reeder
202 564 6082

From: Jackson, Ryan
Sent: Friday, August 11, 2017 11:30 AM
To: Reeder, John <Reeder.John@epa.gov>
Cc: Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: More on the IPA

Do you need assistance with the agreement and is this something which depending on the terms that American University then approves or is this something with American University has already approved and we are memorializing it?

From: Reeder, John
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Cc: Flynn, Mike <Flynn.Mike@epa.gov>
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Ryan,

You asked for more info on my proposed IPA. I'll still try to meet with you, but meanwhile here's a start.

For IPA's there will be a detailed agreement that you will see for EPA and AU approval. It doesn't exist yet. But in my conversations with AU, they will be asking me to "share my knowledge of environmental policy and your management expertise as a Visiting Senior Executive within the School of Public Affairs." The school is particularly interested in developing stronger relationships with local government as a means of broadening student experiences and future career opportunities. To that end I would be working on:

- developing projects within the Center for Environmental Policy that examine local and regional environmental challenges and opportunities as the federal role in environmental protection evolves;
- leading a locally based project that identifies opportunities and recommends policy options for expanding the beneficial use of natural resources, including outdoor recreation, for citizens across all socio-economic strata;
- partnering with nonprofit, private, and government organizations in examining the future role of the Environmental Protection Agency and opportunities for accelerating progress in environmental protection;
- providing general management support to the Director of the Center of Environmental Policy.

I'd like to talk with Henry at some point about partnering with EPA to set up a forum that would bring CONSTRUCTIVE conversation from enviros, orgs, industry to discuss future approaches for EPA – at the right time this could showcase some of the initiatives Henry is likely heading and help build external acceptance/support. This is a new thought, but something AU is very interested in doing. I feel unusually positioned from my work at EPA, as well as on Capitol Hill, of having trust with enviros, NGO's, industry representatives, and many former senior appointees of both Democratic and Republican administrations, to pull off something that is focused on results and modernization of the "enterprise" of environmental protection. It would also have very visible/tangible benefits for EPA as an organization.

Again, you'll have another bite at this when I have a draft IPA agreement ready.

JReeder

202 564 6082 (direct)

<IPA form.doc>

Message

From: Reeder, John [Reeder.John@epa.gov]
Sent: 8/11/2017 5:53:48 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: More on the IPA

Your IPA? Right after mine is signed fer shur

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202 564 6082

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Again, you'll have another bite at this when I have a draft IPA agreement ready.

JReeder

202 564 6082 (direct)

Message (Digitally Signed)

From: Williams, Steven [Williams.Steven@epa.gov]
Sent: 4/5/2018 6:01:11 PM
To: Martin, JohnC [Martin.JohnC@epa.gov]
CC: Williams, Steven [Williams.Steven@epa.gov]
Subject: RE: Questions related to your work assignment
Attachments: smime.p7s

John,

Personal Matters / Ex. 6 Ted is sending a note to Helena. I informed Ted and Mario as requested. I should be off the metro by 3PM. Give me a call. R/SW

Steve Williams
EPA Federal Senior Intelligence Coordinator/Intelligence Team Leader
Office of the Administrator / Office of Homeland Security / U.S. Environmental Protection Agency
(202) 564-6954 (Desk)
(202) 565-0180 (STE)
Personal Matters / Ex. 6 (Cell)
Personal Matters / Ex. 6 SVOIP)
HSDN:
JWICS: Personal Matters / Ex. 6

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EPA Intelligence Emergency Line: (202) 564-4800
EPA Federal Intelligence Coordination Office (FICO) Group Distro:
UNCLASSIFIED: epa-intel@epa.gov
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From: Martin, JohnC
Sent: Thursday, April 05, 2018 11:42 AM
To: Williams, Steven <Williams.Steven@epa.gov>
Subject: Fwd: Questions related to your work assignment

Patrick Sullivan and Nino orchestrated my removal from the Administrator's Protection Detail and unduly influenced the removal of my gun, badge and credentials.

Please discuss this issue with Mario, Ted and anyone else you deem appropriate and let me know how I should handle this email.

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

Begin forwarded message:

From: "Lipton, Eric" <lipton@nytimes.com>
Date: April 5, 2018 at 11:32:40 AM EDT
To: Martin.johnc@epa.gov
Subject: Questions related to your work assignment

Hello Mr. Martin

I am writing you because we are working on a story that will be mentioning that you raised objections to issues with respect to the way security detail was being handled by the Pruitt team, and that after you raised these concerns you were transferred to a different assignment.

I wanted to ask you about this and to go over the specific allegations you raised and how you feel about the fact that you were transferred after you raised these issues.

I would appreciate if you could ring me or write me back to discuss these matters. I need a response today to these questions. For your information, I am also going to be asking Public Affairs about this, as we are aware that several individuals at EPA, who worked no operations in the administrator's office, and another individual who led the security team, also found themselves in new jobs after raising similar concerns.

In addition to getting your input, I need to ask the agency to respond to the fact that we are aware of these transfers and ask them why they took place, and it it was appropriate to transfer people like you after they raised issues about actions related to Mr. Pruitt and spending and security.

Thank you in advance. I can be reached at Personal Matters / Ex. 6

Eric

Eric Lipton
The New York Times
Washington Bureau
202 862 0448 office
Personal Matters / Ex. 6
lipton@nytimes.com

Message (Digitally Signed)

From: Williams, Steven [Williams.Steven@epa.gov]
Sent: 4/5/2018 5:39:18 PM
To: Martin, JohnC [Martin.JohnC@epa.gov]
CC: Williams, Steven [Williams.Steven@epa.gov]
Subject: RE: Questions related to your work assignment
Attachments: smime.p7s

I will follow up. Reach me on my personal cell after 1500. R/SW

Steve Williams
EPA Federal Senior Intelligence Coordinator/Intelligence Team Leader
Office of the Administrator / Office of Homeland Security / U.S. Environmental Protection Agency
(202) 564-6954 (Desk)
(202) 565-0180 (STE)
Personal Matters / Ex. 6
Personal Matters / Ex. 6 (SVOIP)
HSDN:
JWICS: Personal Matters / Ex. 6

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John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator

Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

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From: "Lipton, Eric" <lipton@nytimes.com>
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Thank you in advance. I can be reached at 202 862 0448

Eric

Eric Lipton
The New York Times
Washington Bureau
202 862 0448 office
Personal Matters / Ex. 6
lipton@nytimes.com

Message (Digitally Signed)

From: Williams, Steven [Williams.Steven@epa.gov]
Sent: 4/23/2018 1:25:25 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Martin, JohnC [Martin.JohnC@epa.gov]; Williams, Steven [Williams.Steven@epa.gov]; epa-intel [epa-intel@epa.gov]; Stanich, Ted [Stanich.Ted@epa.gov]
Subject: Multiple Contacts From Media
Attachments: smime.p7s

Nancy,

SA John Martin informed me of multiple interview requests late last week from outlets including ProPublica, Business Insider, and perhaps others…he asked me to ensure you are made aware. This is in keeping with our practice of referring media requests to OPA. It is important to note that in the past OHS staff has been unfairly characterized in publications when we declined to speak with the media, so we anticipate you will intercede? Of equal concern, we have also noted that one spokesman for EPA OPA has already made potentially demeaning remarks about this staff assuming any of us were included in the category *of "a group of disgruntled employees who have either been dismissed or reassigned."* It is our sincere hope that this was an unfortunate use of words; however, I would be remise not to mention that this quote was impactful and has in fact likely generated more media interest around certain individuals.

If we may be of any assistance to you as you craft a response to these inquiries, please let me know. We understand the intelligence and national security landscape with respect to the mission at EPA, and may be able to help.

Thanks! R/Steve

Steve Williams
EPA Federal Senior Intelligence Coordinator/Intelligence Team Leader
Office of the Administrator / Office of Homeland Security / U.S. Environmental Protection Agency
(202) 564-6954 (Desk)
(202) 565-0180 (STE)
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OHS EPA Intelligence serves as the primary organization in the Environmental Protection Agency for integrating and analyzing all intelligence pertaining to terrorism possessed or acquired by the US Government (except purely domestic terrorism); serves as the central and shared knowledge bank on intelligence information provided to EPA; provides all-source intelligence support to EPA programs, personnel, and facilities, and facilitates information sharing between EPA and other agencies that enables access to, as well as integration, dissemination, and use of, intelligence information.

Message

From: Martin, JohnC [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A07FD92774854F3882B78DF7081E5BDA-JMARTI07]
Sent: 4/25/2018 8:22:20 PM
To: Williams, Steven [Williams.Steven@epa.gov]
Subject: Pruitt talking points show he plans to shift blame at hearings: report | TheHill

Please pass this to Ted.

This article says the Administrator is potentially going to testify tomorrow that myself and others at EPA that were reassigned or removed had performance issues. While I really hope that doesn't happen, I want to make sure the record reflects that I have received Outstanding performance evaluations and performance awards the past few years.

I expect any public statements or records to accurately reflect that fact.

http://thehill.com/policy/energy-environment/384863-pruitts-talking-points-for-congressional-hearing-shift-blame-report

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

Message

From: Martin, JohnC [Martin.JohnC@epa.gov]
Sent: 4/6/2018 6:45:45 PM
To: jcmartin3@fbi.gov
Subject: FW: Questions related to your work assignment

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

From: Lipton, Eric [lipton@nytimes.com]
Sent: Thursday, April 5, 2018 11:32 AM
To: Martin, JohnC
Subject: Questions related to your work assignment

Hello Mr. Martin

I am writing you because we are working on a story that will be mentioning that you raised objections to issues with respect to the way security detail was being handled by the Pruitt team, and that after you raised these concerns you were transferred to a different assignment.

I wanted to ask you about this and to go over the specific allegations you raised and how you feel about the fact that you were transferred after you raised these issues.

I would appreciate if you could ring me or write me back to discuss these matters. I need a response today to these questions. For your information, I am also going to be asking Public Affairs about this, as we are aware that several individuals at EPA, who worked no operations in the administrator's office, and another individual who led the security team, also found themselves in new jobs after raising similar concerns.

In addition to getting your input, I need to ask the agency to respond to the fact that we are aware of these transfers and ask them why they took place, and it it was appropriate to transfer people like you after they raised issues about actions related to Mr. Pruitt and spending and security.

Thank you in advance. I can be reached at 202 862 0448

Eric

Eric Lipton<http://topics.nytimes.com/top/reference/timestopics/people/l/eric_lipton/index.html>
[The New York Times]
Washington Bureau
202 862 0448 office
Personal Matters / Ex. 6
lipton@nytimes.com<mailto:lipton@nytimes.com>

Message

From: Martin, JohnC [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A07FD92774854F3882B78DF7081E5BDA-JMARTI07]
Sent: 10/26/2017 3:57:41 PM
To: Personal Matters / Ex. 6
Subject: Re: John Martin Reassignment

Personal Matters / Ex. 6

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

From Personal Matters / Ex. 6
Sent: Thursday, October 26, 2017 11:10:14 AM
To: Martin, JohnC
Subject: Re: John Martin Reassignment

Awesome, congrats:)

Heather Martin
Personal Matters / Ex. 6

On Oct 26, 2017, at 9:03 AM, Martin, JohnC <Martin.JohnC@epa.gov> wrote:

> JM
>
> John C. Martin
> Intelligence Advisor/Special Agent
> U.S. EPA - Office of the Administrator
> Office of Homeland Security
> 202-564-2616 office
> Personal Matters / Ex. 6
> Personal Matters / Ex. 6 (SIPR)
> Personal Matters / Ex. 6 (JWICS)
>
> Begin forwarded message:
>
> > **From:** "Caraballo, Mario" <Caraballo.Mario@epa.gov>
> > **Date:** October 26, 2017 at 8:57:55 AM EDT

To: "Martin, JohnC" <Martin.JohnC@epa.gov>
Cc: "Williams, Steven" <Williams.Steven@epa.gov>
Subject: FW: John Martin Reassignment

Here it is! Lots of work went into this by everyone.

v/r
Mario Caraballo, CPD
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
Personal Matters / Ex. 6
WJC North, Room 6426-F/Mail Code 1109A

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From: Colonius, Casey
Sent: Thursday, October 26, 2017 8:43 AM
To: Johnson, Melissa <Johnson.Melissa@epa.gov>
Cc: Caraballo, Mario <Caraballo.Mario@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>; Crum, Kim <Crum.Kim@epa.gov>
Subject: John Martin Reassignment

Hi Melissa,
I spoke with Mario this morning regarding this, but my evaluation of the work concluded that John Martin's position can remain an 1811, OHR also confirmed the LEO status would stay the same. So we will just need to get John reassigned to an updated PD. I have that PD over here that I worked with Mario on during this process, so you won't need to resubmit the body of the PD. I will need you to submit a reassignment action in FPPS with the other documents though, including a PD coversheet, risk checklist, and resume (for PSB purposes).

Please let me know if you have any questions!
Thanks,

Casey Colonius, MPA
Human Resources Specialist
RTP Human Resources Shared Service Center
US EPA, OARM-RTP, HRMD
Durham, NC 27711
(919) 541-3356
Fax: (919) 541-2186

<image002.jpg>

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Message

From: Martin, JohnC [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A07FD92774854F3882B78DF7081E5BDA-JMARTI07]
Sent: 10/25/2017 4:36:52 PM
To: Personal Matters / Ex. 6
Subject: Fwd: PERSONNEL MATTER - JOHN MARTIN

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

Begin forwarded message:

> **From:** "Caraballo, Mario" <Caraballo.Mario@epa.gov>
> **Date:** October 25, 2017 at 9:51:25 AM EDT
> **To:** "Martin, JohnC" <Martin.JohnC@epa.gov>
> **Cc:** "Williams, Steven" <Williams.Steven@epa.gov>
> **Subject: FW: PERSONNEL MATTER - JOHN MARTIN**
>
> John,
>
> Per Casey in RTP, here is the status of your reclassification
>
> RTP is trying to coordinate the reassignment to the new PD with Marvin's evaluation of the LEO eligibility so that you are not effected in anyway. I will continue to follow up frequently and updated you as I get information.

v/r
Mario Caraballo, CPD
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
Personal Matters / Ex. 6
WJC North, Room 6426-F/Mail Code 1109A

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From: Johnson, Melissa
Sent: Wednesday, October 25, 2017 9:37 AM
To: Caraballo, Mario <Caraballo.Mario@epa.gov>
Subject: PERSONNEL MATTER - JOHN MARTIN

Message

From: Martin, JohnC [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A07FD92774854F3882B78DF7081E5BDA-JMARTI07]
Sent: 10/25/2017 4:31:18 PM
To: Caraballo, Mario [Caraballo.Mario@epa.gov]
CC: Williams, Steven [Williams.Steven@epa.gov]
Subject: Re: PERSONNEL MATTER - JOHN MARTIN

I appreciate your help. The beginning of the email string got cut off. Can you re send it when you get a minute?

Did they give any estimate on when they have a final decision?

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

On Oct 25, 2017, at 9:51 AM, Caraballo, Mario <Caraballo.Mario@epa.gov> wrote:

> John,
>
> Per Casey in RTP, here is the status of your reclassification
>
> RTP is trying to coordinate the reassignment to the new PD with Marvin's evaluation of the LEO eligibility so that you are not effected in anyway. I will continue to follow up frequently and updated you as I get information.

v/r
Mario Caraballo, CPD
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
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From: Johnson, Melissa
Sent: Wednesday, October 25, 2017 9:37 AM
To: Caraballo, Mario <Caraballo.Mario@epa.gov>
Subject: PERSONNEL MATTER - JOHN MARTIN

Message

From: Martin, JohnC [Martin.JohnC@epa.gov]
Sent: 7/27/2017 3:35:06 PM
To: Personal Matters / Ex. 6
Subject: Fwd: John Martin

HR is working on a final answer so we have some clarity.

Personal Matters / Ex. 6

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 JWICS)

Begin forwarded message:

> **From:** "Caraballo, Mario" <Caraballo.Mario@epa.gov>
> **Date:** July 27, 2017 at 6:52:50 AM PDT
> **To:** "Martin, JohnC" <Martin.JohnC@epa.gov>
> **Subject: FW: John Martin**
>
> John,
>
> Here is the latest. I will let you know once Ai get a reply back from OHR.
>
> v/r
> Mario Caraballo
> Deputy Associate Administrator
> Office of Homeland Security
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Ave, NW
> Washington, DC 20460-0001
> Office: 202.564.6971
> Personal Matters / Ex. 6
> WJC North, Room 6426-F/Mail Code 1109A

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From: Johnson, Melissa
Sent: Tuesday, July 25, 2017 3:14 PM
To: Caraballo, Mario <Caraballo.Mario@epa.gov>
Subject: FW: John Martin

Mario-

See email from Kim Crum regarding John Martin. We will see what OHR final determination is. Will keep you posted.

From: Crum, Kim
Sent: Tuesday, July 25, 2017 2:48 PM
To: Johnson, Melissa <Johnson.Melissa@epa.gov>; Burt, Cynthia <Burt.Cynthia@epa.gov>; Colonius, Casey <Colonius.Casey@epa.gov>; Gardner, Sherron <gardner.sherron@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>
Subject: RE: John Martin

Melissa,

I have reached out to Loretta Hunt in OHR for a response. I was able to determine that the retirement coverage decisions and classification decisions are separate, so since Cincinnati was unable to answer the question definitively, we are looking to OHR for their determination as final. Thank you, and please let the program know the status. I'll let you know their answer as soon as I receive it.

Law Enforcement vs. Investigation Duties and 6c Retirement Coverage

Position classification and law enforcement officer (LEO) retirement coverage decisions are entirely separate from one another. While LEO retirement coverage eligibility determinations may involve some of the same factual matters considered in position classification determinations, the two matters have entirely separate criteria under which a determination is made. LEO retirement coverage determinations are made under regulations found at 5 CFR Part 831, Subpart I, and Part 842, Subpart H. LEO retirement coverage eligibility allowances generally may be made only by the agency head, and staff actually involved in the decision making process who are aware of the eligibility criteria.

Kim Crum
Human Resource Specialist (Classification)
Environmental Protection Agency
OARM, HR Shared Service Center - RTP, Branch C
MD-C639-02
Research Triangle Park, NC 27711
PH: 919-541-5667
Fax: 919-541-1360
crum.kim@epa.gov

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From: Johnson, Melissa
Sent: Monday, July 24, 2017 10:04 AM
To: Burt, Cynthia <Burt.Cynthia@epa.gov>; Colonius, Casey <Colonius.Casey@epa.gov>; Crum, Kim <Crum.Kim@epa.gov>; Gardner, Sherron <gardner.sherron@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>
Subject: FW: John Martin
Importance: High

Good Morning Everyone-

I am in desperate need of your help asap in assisting me in providing an answer to the DAA in Homeland Security about John Martin position.

First of all thanks Kim for referring me to Angela Johnston, we have had a couple of conversations, but she was unable to provide me with an answer. **The question is if a permanent intelligence position in OHS (John Martin's position) would meet the conditions for law enforcement retirement eligibility if John does not carry a badge, weapon and credentials. John will continue to carry out all the relevant intelligence support functions and duties in his PD. (OHS is not asking for his PD to be reclassified). See email messages below and attachments above.**

Please advise asap. I would greatly appreciate it.

Thanks.

From: Crum, Kim
Sent: Wednesday, July 05, 2017 2:08 PM
To: Johnston, Angela <johnston.angela@epa.gov>
Cc: Colonius, Casey <Colonius.Casey@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>; Johnson, Melissa <Johnson.Melissa@epa.gov>
Subject: FW: John Martin
Importance: High

Angie,

Thank you so much for your help with this! We do next to nothing with Criminal Investigators and this is way too important of an issue for me to give out incorrect information! I've copied Casey Colonius who is the servicing classifier for the Office of the Administrator (where Mr. Martin resides) and Corey Perry, the Section Chief. I've also copied Melissa Johnson who is the servicing liaison for the Office of the Administrator.

Kim Crum
Human Resource Specialist (Classification)

Environmental Protection Agency
OARM, HR Shared Service Center - RTP, Branch C
MD-C639-02
Research Triangle Park, NC 27711
PH: 919-541-5667
Fax: 919-541-1360
crum.kim@epa.gov

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From: Johnson, Melissa
Sent: Wednesday, July 05, 2017 12:49 PM
To: Crum, Kim <Crum.Kim@epa.gov>
Subject: FW: John Martin
Importance: High

Kim-

Here you go. Thanks.

From: Caraballo, Mario
Sent: Wednesday, June 28, 2017 11:40 AM
To: Johnson, Melissa <Johnson.Melissa@epa.gov>
Cc: Kling, David <Kling.Dave@epa.gov>; Allen, Reginald <Allen.Reginald@epa.gov>
Subject: John Martin
Importance: High

Melissa,

Subsequent to our conversation this morning, attached is John Martin's approved PD and relevant language from OPM's 2011 Position Classification Standard for 1811 Criminal Investigators. John's ability to carry a weapon and badge & credentials are currently covered under an MOU between OCEFT and OHS. (see attached MOU). OCEFT has decided to rescind the MOU by Friday 6/30. The rescission of this MOU may have an effect on the employee's pay and employment status.

In March 2006, OHR contacted OPM to double check that the duties of a permanent intelligence position would meet the conditions for and without jeopardizing law enforcement retirement eligibility (The Special Retirement Provisions for Law Enforcement Officers, Firefighters, Air Traffic Controllers, and Military Reserve Technicians, CSRS and FERS Handbook, April 1998). OPM and OHR agreed and the position was approved in 2006. Note: The PD states, "Because

the nature of the work the incumbent's position is covered by the laws enforcement retirement provisions 5 U.S.C. §§8336 (C) (1), 8339 (d) (1), 8412 (d) and 8451 (d)

OPM's classification standards:

(*Grade Level Guide for Classifying Investigator Positions*, August 2002, page 14) clearly recognized that criminal investigators could work in positions not related to individual case assignments for specific information-gathering and interpreting missions. The guide states that "...agencies need to have reliable information to subject trends in illegal operations and activities and plans of groups and key individuals that may affect the work of the agency. Hence, some investigators wok on gathering information that does not relate to particular individual case assignments leading to prosecution. The purpose of such information-gathering is to detect trend, plan programs, or accumulate information and knowledge of future cases or for other use in specific program agency involved." In addition, at least four other federal agencies use 1811s to staff their "intelligence" positions and one of them, the FBI, has also implemented an intelligence career track for its 1811 Special Agents. These agents selected for intelligence and national security responsibilities *retained their 1811 law enforcement retirement eligibility.*

At the time in 2006, and to this day at least four Departments/Agencies use 1811's to staff their "intelligence" positions: Department of Interior (DOI), the Food and Drug Administration (FDA), the Department of Agricultural (USDA), and the Federal Bureau of Investigations (FBI). FBI has also implemented an intelligence career track for its 1811 Special Agents. Agents selected for intelligence and national security responsibilities at these D/A's retained their 1811 law enforcement retirement eligibility.

We need OHR to once again affirm if a permanent intelligence position in OHS would meet the conditions for law enforcement retirement eligibility if John does not carry a badge, weapon and credentials. Finally, John will continue to carry out all the relevant intelligence support functions and duties in his PD.

Please get back to me as soon as possible on this matter.

Thanks- Mario

v/r
Mario Caraballo
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
Personal Matters / Ex. 6
WJC North, Room 6426-F/Mail Code 1109A

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Message

From: Martin, JohnC [Martin.JohnC@epa.gov]
Sent: 7/27/2017 3:22:01 PM
To: Williams, Steven [Williams.Steven@epa.gov]
Subject: Fwd: John Martin

FYI.

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 SIPR)
Personal Matters / Ex. 6 JWICS)

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> **Subject: FW: John Martin**
>
> John,
>
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>
> v/r
> Mario Caraballo
> Deputy Associate Administrator
> Office of Homeland Security
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Ave, NW
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Sent: Tuesday, July 25, 2017 3:14 PM
To: Caraballo, Mario <Caraballo.Mario@epa.gov>
Subject: FW: John Martin

Mario-

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Sent: Tuesday, July 25, 2017 2:48 PM
To: Johnson, Melissa <Johnson.Melissa@epa.gov>; Burt, Cynthia <Burt.Cynthia@epa.gov>; Colonius, Casey <Colonius.Casey@epa.gov>; Gardner, Sherron <gardner.sherron@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>
Subject: RE: John Martin

Melissa,

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Kim Crum
Human Resource Specialist (Classification)
Environmental Protection Agency
OARM, HR Shared Service Center - RTP, Branch C
MD-C639-02
Research Triangle Park, NC 27711
PH: 919-541-5667
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Sent: Monday, July 24, 2017 10:04 AM
To: Burt, Cynthia <Burt.Cynthia@epa.gov>; Colonius, Casey <Colonius.Casey@epa.gov>; Crum, Kim <Crum.Kim@epa.gov>; Gardner, Sherron <gardner.sherron@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>
Subject: FW: John Martin
Importance: High

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Please advise asap. I would greatly appreciate it.

Thanks.

From: Crum, Kim
Sent: Wednesday, July 05, 2017 2:08 PM
To: Johnston, Angela <johnston.angela@epa.gov>
Cc: Colonius, Casey <Colonius.Casey@epa.gov>; Perry, Corey <Perry.Corey@epa.gov>; Johnson, Melissa <Johnson.Melissa@epa.gov>
Subject: FW: John Martin
Importance: High

Angie,

Thank you so much for your help with this! We do next to nothing with Criminal Investigators and this is way too important of an issue for me to give out incorrect information! I've copied Casey Colonius who is the servicing classifier for the Office of the Administrator (where Mr. Martin resides) and Corey Perry, the Section Chief. I've also copied Melissa Johnson who is the servicing liaison for the Office of the Administrator.

Kim Crum
Human Resource Specialist (Classification)

Environmental Protection Agency
OARM, HR Shared Service Center - RTP, Branch C
MD-C639-02
Research Triangle Park, NC 27711
PH: 919-541-5667
Fax: 919-541-1360
crum.kim@epa.gov

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From: Johnson, Melissa
Sent: Wednesday, July 05, 2017 12:49 PM
To: Crum, Kim <Crum.Kim@epa.gov>
Subject: FW: John Martin
Importance: High

Kim-

Here you go. Thanks.

From: Caraballo, Mario
Sent: Wednesday, June 28, 2017 11:40 AM
To: Johnson, Melissa <Johnson.Melissa@epa.gov>
Cc: Kling, David <Kling.Dave@epa.gov>; Allen, Reginald <Allen.Reginald@epa.gov>
Subject: John Martin
Importance: High

Melissa,

Subsequent to our conversation this morning, attached is John Martin's approved PD and relevant language from OPM's 2011 Position Classification Standard for 1811 Criminal Investigators. John's ability to carry a weapon and badge & credentials are currently covered under an MOU between OCEFT and OHS. (see attached MOU). OCEFT has decided to rescind the MOU by Friday 6/30. The rescission of this MOU may have an effect on the employee's pay and employment status.

In March 2006, OHR contacted OPM to double check that the duties of a permanent intelligence position would meet the conditions for and without jeopardizing law enforcement retirement eligibility (The Special Retirement Provisions for Law Enforcement Officers, Firefighters, Air Traffic Controllers, and Military Reserve Technicians, CSRS and FERS Handbook, April 1998). OPM and OHR agreed and the position was approved in 2006. Note: The PD states, "Because

the nature of the work the incumbent's position is covered by the laws enforcement retirement provisions 5 U.S.C. §§8336 (C) (1), 8339 (d) (1), 8412 (d) and 8451 (d)

OPM's classification standards:

(*Grade Level Guide for Classifying Investigator Positions*, August 2002, page 14) clearly recognized that criminal investigators could work in positions not related to individual case assignments for specific information-gathering and interpreting missions. The guide states that "…agencies need to have reliable information to subject trends in illegal operations and activities and plans of groups and key individuals that may affect the work of the agency. Hence, some investigators wok on gathering information that does not relate to particular individual case assignments leading to prosecution. The purpose of such information-gathering is to detect trend, plan programs, or accumulate information and knowledge of future cases or for other use in specific program agency involved." In addition, at least four other federal agencies use 1811s to staff their "intelligence" positions and one of them, the FBI, has also implemented an intelligence career track for its 1811 Special Agents. These agents selected for intelligence and national security responsibilities *retained their 1811 law enforcement retirement eligibility.*

At the time in 2006, and to this day at least four Departments/Agencies use 1811's to staff their "intelligence" positions: Department of Interior (DOI), the Food and Drug Administration (FDA), the Department of Agricultural (USDA), and the Federal Bureau of Investigations (FBI). FBI has also implemented an intelligence career track for its 1811 Special Agents. Agents selected for intelligence and national security responsibilities at these D/A's retained their 1811 law enforcement retirement eligibility.

We need OHR to once again affirm if a permanent intelligence position in OHS would meet the conditions for law enforcement retirement eligibility if John does not carry a badge, weapon and credentials. Finally, John will continue to carry out all the relevant intelligence support functions and duties in his PD.

Please get back to me as soon as possible on this matter.

Thanks- Mario

v/r
Mario Caraballo
Deputy Associate Administrator
Office of Homeland Security
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001
Office: 202.564.6971
Personal Matters / Ex. 6
WJC North, Room 6426-F/Mail Code 1109A

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Message

From: Wulffen, Rebecca [Wulffen.Rebecca@epa.gov]
Sent: 6/28/2017 6:14:07 PM
To: Reeder, John [Reeder.John@epa.gov]
CC: Guerrero, David [guerrero.david@epa.gov]
Subject: FW: QUESTION - PERSONNEL CONFIDENTIAL
Attachments: 1811 MOU.pdf; OCEFT-PSD-AO Signed MOU June 2011.pdf; OHS MOU 2008.pdf; OCEFTOHS Memo 6-27-17.pdf; John Martin

Importance: High

Good afternoon, John-

Per my voicemail, can you please call Dave Guerrero or I today regarding this matter? We have some litigation/legal issues we would like to discuss.

Thank you,

Rebecca Wulffen
Attorney-Advisor
U.S. Environmental Protection Agency
Office of the General Counsel
General Law Office, Employment Law Practice Group
Phone (202) 564-4858
Fax (202) 564-5432

From: Kling, David
Sent: Wednesday, June 28, 2017 12:16 PM
To: Guerrero, David <guerrero.david@epa.gov>; Wulffen, Rebecca <Wulffen.Rebecca@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Caraballo, Mario <Caraballo.Mario@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject: FW: QUESTION - PERSONNEL CONFIDENTIAL
Importance: High

David and Rebecca –

I left Rebecca a voice mail this morning (Wed., 6/28) on this matter.

I've also provided another attachment, which includes an OHS message today to EPA's Melissa Johnson and a number of personnel-related documents regarding John Martin's OHS appointment.

- After a discussion with the Deputy Chief of Staff early this morning, I wonder whether, in OGC view, this sudden MOU revocation in the attached ***OCEFTOHS Memo 6-27-17*** memo, which is proposed to be effective on Friday (6/30), could affect John's employee rights and could create a vulnerability for the Agency? I'm not sure what arrangements the Agency would have for John's gun and badge if this revocation would occur so quickly. Finally, the attached memo appears to be a meeting summary rather than an express suspension of the MOU. Is that a consideration?

With Friday approaching, we'd appreciate your quick reaction.

****
David J. Kling, Associate Administrator for Homeland Security
U.S. Environmental Protection Agency (1109A)

Room 6426 William Jefferson Clinton Building North
1200 Pennsylvania Ave., N.W., Washington, DC 20460
202 564-6978, Desk 202 564-0317, Fax 202 501-0026

From: Kling, David
Sent: Tuesday, June 27, 2017 2:58 PM
To: Guerrero, David <guerrero.david@epa.gov>; Wulffen, Rebecca <Wulffen.Rebecca@epa.gov>
Cc: Caraballo, Mario <Caraballo.Mario@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: QUESTION - PERSONNEL CONFIDENTIAL
Importance: High

David and Rebecca –

I believe you are both familiar with the issues associated with OHS' John Martin and the MOU with OECA regarding his weapon and badge. While we knew that OECA wanted to revoke the MOU, this action has caught us (OHS) by surprise over the past couple weeks.

- **Could this be an employee rights issue, especially given the haste of OECA's action?** John is concerned that this action could affect his job status and pay.

Incidentally, were either of you involved in the initial determination that 1811s could be assigned to OHS (circa 2005)?

****
David J. Kling, Associate Administrator for Homeland Security
U.S. Environmental Protection Agency (1109A)
Room 6426 William Jefferson Clinton Building North
1200 Pennsylvania Ave., N.W., Washington, DC 20460
202 564-6978, Desk 202 564-0317, Fax 202 501-0026

From: Kling, David
Sent: Tuesday, June 27, 2017 2:45 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Caraballo, Mario <Caraballo.Mario@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Taylor, Jessica <taylor.jessica@epa.gov>; Stanich, Ted <Stanich.Ted@epa.gov>; Reeder, John <Reeder.John@epa.gov>; Allen, Reginald <Allen.Reginald@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Henry Barnet (Barnet.Henry@epa.gov) <Barnet.Henry@epa.gov>; Cavanaugh, Charles <Cavanaugh.Charles@epa.gov>
Subject: FW: Follow Up to the June 20, 2017 Meeting -- OHS response

All –

OCEFT's interest to terminate the longstanding MOU between our organizations has been made clear. However, after discussing this with John last week, I intended to propose to Henry and Pam **a more reasonable deadline of Thurs., 8/31** to end the agreement, given that this rescission will affect John personally and OHS corporately.

- **I recommend that we maintain the MOU until 8/31.**

****
David J. Kling, Associate Administrator for Homeland Security
U.S. Environmental Protection Agency (1109A)
Room 6426 William Jefferson Clinton Building North

1200 Pennsylvania Ave., N.W., Washington, DC 20460
202 564-6978, Desk 202 564-0317, Fax 202 501-0026

From: Cavanaugh, Charles
Sent: Tuesday, June 27, 2017 2:05 PM
To: Kling, David <Kling.Dave@epa.gov>; Caraballo, Mario <Caraballo.Mario@epa.gov>; Chmielewski, Kevin <chmielewski.kevin@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Taylor, Jessica <taylor.jessica@epa.gov>; Perrotta, Pasquale <Perrotta.Pasquale@epa.gov>; Stanich, Ted <Stanich.Ted@epa.gov>
Subject: Follow Up to the June 20, 2017 Meeting

Good afternoon everyone:

On behalf of Henry Barnet, please find attached a copy of the signed memorandum memorializing the discussions held on June 20, 2017, between OCEFT, OHS, OIG and the AO, specifically relating to the return of the law enforcement equipment from OHS to OCEFT, the transition of the law enforcement seat at the NJTTF back to OCEFT, and the rescission of the MOUs between OCEFT and OHS. The attachments to this memo are included for your reference. *Please note: the file named "OHS MOU 2008" contains both the June 12, 2006 and the January 16, 2008 MOUs.*

If you have any questions, please feel free to call.

Chuck Cavanaugh
Associate Director and Deputy Ethics Official
Office of Criminal Enforcement, Forensics and Training (MC 2231A), Room 1211 WJC-S
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
(202) 564-0791
(202) 501-0599 (fax)

Message

From: Mackey, Olenka [Mackey.Olenka@epa.gov]
Sent: 5/31/2017 8:14:00 PM
To: Stanich, Ted [Stanich.Ted@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Graham, Pamela [Graham.Pamela@epa.gov]
Subject: FPPS Action - E Weese reassignment

Hi Ted – The reassignment to CID for Eric is in your FPPS box, 0980748. Please sign/approve as requesting official and forward to Jessica.

Jessica – Please sign/approve as authorizing official and forward to Cinci SSC.

Thanks.

Message

From: Graham, Pamela [Graham.Pamela@epa.gov]
Sent: 6/13/2017 2:08:08 PM
To: Stanich, Ted [Stanich.Ted@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Mackey, Olenka [Mackey.Olenka@epa.gov]
Subject: FPPS Action - Weese (Termination of Detail)

Hi Ted – The termination of detail for Eric Weese is in your FPPS box, 1035011. Please sign/approve as Requesting Official and forward to Jessica.

Jessica – Please sign/approve as Authorizing Official and forward to Cinci SSC.

Thank you.

Pam Graham
564-2566

Message

From: Stanich, Ted [Stanich.Ted@epa.gov]
Sent: 4/12/2017 1:02:23 PM
To: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
CC: Dubbs, Kimberly [Dubbs.Kimberly@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]
Subject: Re: CID additions to "the list"

Yes. And there is a way to shrink that shows responsibility to perform our duties and not simply say we can't do the job. We can do the job with fewer numbers-it's just that we need to re-define what the job is and get out front with our messaging to our field folks. All of this needs to occur at the same time we argue cuts in resources hurt effectiveness. We need to adapt and adjust...

Ted J. Stanich
Deputy Director
Criminal Investigation Division
US EPA OCEFT
(O) 202-564-5484
Personal Matters / Ex. 6

On Apr 12, 2017, at 8:58 AM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

I think those kinds of conversations must happen because I believe we will have to shrink.

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement, Forensics and Training
U.S. Environmental Protection Agency
202-564-0792 (office)
Personal Matters / Ex. 6
wooden-aguilar.helena@epa.gov

On Apr 12, 2017, at 8:56 AM, Stanich, Ted <Stanich.Ted@epa.gov> wrote:

I hope we will at least be able to fill our supervisory positions, while we consider re-structuring of the organization... Even if we re-structured the Division, we will need these supervisory ASACs to be in each Regional CID office. SACs-Not so much...

We also may need to think about having ASACs carry cases to deal with dwindling numbers of 1811s. I, and others, carried cases as ASACs back in the day. Just thinking out loud.

Ted J. Stanich

Deputy Director

Criminal Investigation Division

U.S. EPA Office of Criminal Enforcement,

Forensics, and Training

Desk: 202-564-5484

Cell: Personal Matters / Ex. 6

From: Wooden-Aguilar, Helena
Sent: Wednesday, April 12, 2017 8:52:22 AM
To: Stanich, Ted
Cc: Dubbs, Kimberly; Taylor, Jessica
Subject: Re: CID additions to "the list"

Thanks! I was just talking to Pam M about this and how this will impact EPA.

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement, Forensics and Training
U.S. Environmental Protection Agency
202-564-0792 (office)
Personal Matters / Ex. 6
wooden-aguilar.helena@epa.gov

On Apr 12, 2017, at 8:30 AM, Stanich, Ted <Stanich.Ted@epa.gov> wrote:

Helena:

My apologies for not getting this to you by COB yesterday. I'm not sure it will be needed with the lifting of the hiring freeze (maybe it will apply to details for us). In an abundance of caution, I have attached the justifications for the last round of details. Please let me know if you need anything else. Also, we may have another addition to the list related to a temporary promotion for 120 days for an ASAC at NCFL. Waiting to hear if that will be approved.

Thank you for your support.

Ted

Ted J. Stanich

Deputy Director

Criminal Investigation Division

U.S. EPA Office of Criminal Enforcement,

Forensics, and Training

Desk: 202-564-5484

Cell: Personal Matters / Ex. 6

From: Stanich, Ted
Sent: Tuesday, April 11, 2017 9:45:07 AM
To: Wooden-Aguilar, Helena
Cc: Dubbs, Kimberly; Taylor, Jessica
Subject: Re: CID additions to "the list"

Helena:

I will get this to you by COB today.

Ted J. Stanich
Deputy Director
Criminal Investigation Division
US EPA OCEFT
(O) 202-564-5484
Personal Matters / Ex. 6

On Apr 11, 2017, at 8:52 AM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

> Ted - thanks for the justifications. I also need justifications for the following folks on the list:
>
> 1. Adrienne Ciolli – Reassignment to amended PD (Use of Force Coordinator) CID (0724573)
> 2. Eugene O'Neill – Reassignment to amended PD (CISM/Peer Support Coordinator) CID (0725305)
> 3. Eric Weese – Detail to Unclassified Duties, CID (0724890)
> 4. Jeffrey McAtee – Extension of Detai
>
> I have added the other actions.
>
> Thanks,

Helena

Helena Wooden-Aguilar

Acting Deputy Director

Office of Civil Rights - US EPA

202-564-0792

Personal Matters / Ex. 6

wooden-aguilar.helena@epa.gov

From: Wooden-Aguilar, Helena
Sent: Friday, April 7, 2017 2:13:12 PM
To: Stanich, Ted
Cc: Dubbs, Kimberly; Taylor, Jessica
Subject: Re: CID additions to "the list"

Sounds good. Thanks.

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement,
Forensics and Training
U.S. Environmental Protection Agency
202-564-0792 (office)
Personal Matters / Ex. 6
wooden-aguilar.helena@epa.gov

On Apr 7, 2017, at 2:12 PM, Stanich, Ted <Stanich.Ted@epa.gov> wrote:

> I can give you the justifications Monday morning. I am on leave today. Will that work?
>
> Ted J. Stanich
> Deputy Director
> Criminal Investigation Division
> US EPA OCEFT
> (O) 202-564-5484
> Personal Matters / Ex. 6

On Apr 7, 2017, at 2:10 PM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

Kimberly-

I will need CID's help with the justifications. Can CID please send me a few lines justifying the reassignments and the other actions? I need to finalize the memo by Monday.

Thanks,

Helena

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement, Forensics and Training
U.S. Environmental Protection Agency
202-564-

0792
(office)

Personal Matters / Ex. 6

woodeen-aguilar.helena@epa.gov

Begin forwarded message:

From: "Taylor, Jessica" <taylor.jessica@epa.gov>
Date: April 7, 2017 at 11:53:25 AM EDT
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Cc: "Stanich, Ted" <Stanich.Ted@epa.gov>
Subject: RE: CID

additions to "the list"

Or course

From: Wooden-Aguilar, Helena
Sent: Friday, April 7, 2017 11:53 AM
To: Taylor, Jessica <taylor.jessica@epa.gov>
Cc: Stanich, Ted <Stanich.Ted@epa.gov>
Subject: Re: CID additions to "the list"

Thanks. I will need someone to help me write out general justifications

for why these are critical. Can I work with Ted or Kimberly?

Helena Woodeen-Aguilar Director Resource Mana

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Personal Matters / Ex. 6

uilar.helena@

epa.gov

On Apr 7, 2017, at 11:49 AM, Taylor, Jessica <taylor.jessica@epa.gov> wrote:

Helena –

Thanks for chatting with h

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<OCEFT Details Temporary Promotions 4-12-17 CID Additions.docx>

Message

From: Stanich, Ted [Stanich.Ted@epa.gov]
Sent: 4/12/2017 12:30:01 PM
To: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
CC: Dubbs, Kimberly [Dubbs.Kimberly@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]
Subject: Re: CID additions to "the list"
Attachments: OCEFT Details Temporary Promotions 4-12-17 CID Additions.docx

Helena:

My apologies for not getting this to you by COB yesterday. I'm not sure it will be needed with the lifting of the hiring freeze (maybe it will apply to details for us). In an abundance of caution, I have attached the justifications for the last round of details. Please let me know if you need anything else. Also, we may have another addition to the list related to a temporary promotion for 120 days for an ASAC at NCFL. Waiting to hear if that will be approved.

Thank you for your support.

Ted

Ted J. Stanich
Deputy Director
Criminal Investigation Division
U.S. EPA Office of Criminal Enforcement,
Forensics, and Training
Desk: 202-564-5484
Cell: Personal Matters / Ex. 6

From: Stanich, Ted
Sent: Tuesday, April 11, 2017 9:45:07 AM
To: Wooden-Aguilar, Helena
Cc: Dubbs, Kimberly; Taylor, Jessica
Subject: Re: CID additions to "the list"

Helena:

I will get this to you by COB today.

Ted J. Stanich
Deputy Director
Criminal Investigation Division
US EPA OCEFT
(O) 202-564-5484
(C) Personal Matters / Ex. 6

On Apr 11, 2017, at 8:52 AM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

Ted - thanks for the justifications. I also need justifications for the following folks on the list:

1. Adrienne Ciolli – Reassignment to amended PD (Use of Force Coordinator) CID (0724573)
2. Eugene O'Neill – Reassignment to amended PD (CISM/Peer Support Coordinator) CID (0725305)
3. Eric Weese – Detail to Unclassified Duties, CID (0724890)
4. Jeffrey McAtee – Extension of Detai

I have added the other actions.

Thanks,

Helena

Helena Wooden-Aguilar
Acting Deputy Director
Office of Civil Rights - US EPA
202-564-0792
Personal Matters / Ex. 6
wooden-aguilar.helena@epa.gov

From: Wooden-Aguilar, Helena
Sent: Friday, April 7, 2017 2:13:12 PM
To: Stanich, Ted
Cc: Dubbs, Kimberly; Taylor, Jessica
Subject: Re: CID additions to "the list"

Sounds good. Thanks.

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement, Forensics and Training
U.S. Environmental Protection Agency
202-564-0792 (office)
Personal Matters / Ex. 6 mobile)
wooden-aguilar.helena@epa.gov

On Apr 7, 2017, at 2:12 PM, Stanich, Ted <Stanich.Ted@epa.gov> wrote:

I can give you the justifications Monday morning. I am on leave today. Will that work?

Ted J. Stanich
Deputy Director
Criminal Investigation Division
US EPA OCEFT
(O) 202-564-5484
(C) Personal Matters / Ex. 6

On Apr 7, 2017, at 2:10 PM, Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov> wrote:

Kimberly-

I will need CID's help with the justifications. Can CID please send me a few lines justifying the reassignments and the other actions? I need to finalize the memo by Monday.

Thanks,

Helena

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement, Forensics and Training
U.S. Environmental Protection Agency
202-564-0792 (office)
Personal Matters / Ex. 6 mobile)
wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Taylor, Jessica" <taylor.jessica@epa.gov>
Date: April 7, 2017 at 11:53:25 AM EDT
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Cc: "Stanich, Ted" <Stanich.Ted@epa.gov>
Subject: RE: CID additions to "the list"

Or course

From: Wooden-Aguilar, Helena
Sent: Friday, April 7, 2017 11:53 AM
To: Taylor, Jessica <taylor.jessica@epa.gov>
Cc: Stanich, Ted <Stanich.Ted@epa.gov>
Subject: Re: CID additions to "the list"

Thanks. I will need someone to help me write out general justifications for why these are critical. Can I work with Ted or Kimberly?

Helena Wooden-Aguilar
Director
Resource Management Staff
Office of Criminal Enforcement,
Forensics and Training
U.S. Environmental Protection Agency
202-564-0792 (office)
Personal Matters / Ex. 6 mobile)
wooden-aguilar.helena@epa.gov

On Apr 7, 2017, at 11:49 AM, Taylor, Jessica <taylor.jessica@epa.gov> wrote:

Helena –

Thanks for chatting with me yesterday. Below are the actions CID would like added to the list as we've come to call it, hopefully in advance of the meeting Monday.

Three ASAC positions (1811-GS-14) – internal advertisement only
Dallas
Chicago
Atlanta

Voluntary reassignment opportunities for current CID 1811 employees (no PCS):
Only solicited internally, no USA Jobs announcement needed
Baton Rouge
Detroit
Houston
LA

Please let me know what additional data I can provide to assist.

Thank you,
Jessica

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT
AND COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Request for Personnel Action

FROM: Henry A. Barnet, Director
Office of Criminal Enforcement, Forensics, and Training

TO: Mark Badalamente, Acting Deputy Assistant Administrator for Management

Consistent with the Presidential Memorandum, *Hiring Freeze*, issued January 23, 2017, and the joint U.S. Office of Personnel Management and the U.S. Office of Management and Budget Memorandum, M-17-18, issued January 31, 2017, and agency guidance, I request the following personnel action(s) to ensure that critical needs in my Office are met and essential services are not interrupted:

Non-competitive temporary details within OECA. (If action is already in HR, the FPPS number is included in parenthesis.)

1. Adrienne Ciolli – Reassignment to amended PD (Use of Force Coordinator) CID (0724573)
   JUSTIFICATION: Due to the retirement of Marty Schwartz, the OCEFT National Use of Force Coordinator, on March 31, 2017, SA Ciolli needs to be placed in a 120-Day Detail to support the National Use of Force Program for OCEFT and CID. The position provides oversight and ensures the continued national consistency of CID Use of Force training and policy implementation in the critical area of officer safety.
2. Eugene O'Neill – Reassignment to amended PD (CISM/Peer Support Coordinator) CID (0725305)
   JUSTIFICATION: Due to the retirement of Marty Schwartz, the OCEFT National Use of Force Coordinator and Critical Incident/Stress Management (CISM) Coordinator, on March 31, 2017, Eugene O'Neill needs to be placed in a 120-Day Detail to support the CISM and Peer Support Program OCEFT and CID. The position provides oversight and ensures the continued national consistency of CID Use of Force training and policy implementation in the critical area of officer safety.
3. Eric Weese – Detail to Unclassified Duties, CID (0724890)
   JUSTIFICATION: SA Eric Weese will be supporting CID management in a number of areas related to Interagency liaison and coordination. He will coordinate criminal enforcement efforts and initiatives with the DHS and FBI, among others in the area of intelligence and information sharing. He will also serve as CID's representative to assist with the coverage of the EPA desk at the FBI's National Joint Terrorism Task Force. He will become the bridge between issues

involving national security issues and environmental concerns and our criminal enforcement program.

4. Jeffrey McAtee – Extension of Detail from OCEFT IO to CID Investigations Branch
   JUSTIFICATION: Due to the dissolution of the Planning, Analysis, and Communication STAFF (PAC) in the OCEFT IO, Jeff McAtee has been detailed to the CID Investigations Branch to support CID's public information efforts and coordination with greater EPA and OECA Public Information Officers. This is a critical need to educate the public about criminal enforcement work.

Concur Date	Non-Concur Date

Message

From: Stanich, Ted [Stanich.Ted@epa.gov]
Sent: 6/30/2017 3:12:58 PM
To: Taylor, Jessica [taylor.jessica@epa.gov]
Subject: Re: PSD

Yes. He is trying to force being placed on PSD. He wants face time and to keep his car. I think he is afraid he will be turned back into circulation in CID if he isn't tied to PSD or have a the full-time seat at NJTTF. We need to talk with Nino first, but with PSD running out of bodies, I'm not sure where we go from here. We need to get PSD under control-in a good way. He is worried about PSD if they report to OCEFT, but thinks we can control the situation if PSD reports to us in CID.

Ted J. Stanich
Deputy Director
Criminal Investigation Division
U.S. EPA Office of Criminal Enforcement,
Forensics, and Training
Desk: 202-564-5484
Cell: Personal Matters / Ex. 6

From: Taylor, Jessica
Sent: Friday, June 30, 2017 11:09:41 AM
To: Stanich, Ted
Subject: RE: PSD

Just odd that he is going to turn in all his gear if he understands he'll be working for CID. Wouldn't he keep his gear if he is transferring over to us?

From: Stanich, Ted
Sent: Friday, June 30, 2017 11:08 AM
To: Taylor, Jessica <taylor.jessica@epa.gov>
Subject: Fw: PSD

FYI. Email from John Martin re his intentions.

Ted J. Stanich
Deputy Director
Criminal Investigation Division
U.S. EPA Office of Criminal Enforcement,
Forensics, and Training
Desk: 202-564-5484
Cell: Personal Matters / Ex. 6

From: Martin, JohnC
Sent: Friday, June 30, 2017 11:03 AM
To: Barnet, Henry
Cc: Stanich, Ted; Kling, David
Subject: PSD

I wanted to check in with you about your recent conversation with Dave. As you requested, I will return my gun, badge, car and equipment on Wednesday to Ted when I am back in the office. I appreciate your help as we work through different options. As I have mentioned previously, I would very much like to get back on PSD as soon as possible. I understand you told Dave that was a

reasonable option but you were going to speak to Ted about it as well. Anything you and Ted can do to make that happen soonest would mean a lot to me, I really value that role and appreciate all your support.

In the meantime I will continue to work with Ted to ensure the NJTTF desk is covered and information is disseminated appropriately while Eric is on leave.

Thanks again.

JM

John C. Martin
Intelligence Advisor/Special Agent
U.S. EPA - Office of the Administrator
Office of Homeland Security
202-564-2616 office
Personal Matters / Ex. 6 cell
Personal Matters / Ex. 6 secure
Personal Matters / Ex. 6 (SIPR)
Personal Matters / Ex. 6 (JWICS)

Message

From: Lapierre, Kenneth [Lapierre.Kenneth@epa.gov]
Sent: 1/29/2019 12:24:16 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]
Subject: RE: Monday Report

I'll ask Dorothy to update this list and send it to you and Wes. I think it was a timing issue.

Ken

Kenneth R. Lapierre
Acting Deputy Assistant Administrator for Administration and Resources Management
Office of Mission Support
U.S. Environmental Protection Agency
202-564-5341

From: Vizian, Donna
Sent: Monday, January 28, 2019 4:19 PM
To: Lapierre, Kenneth <lapierre.kenneth@epa.gov>
Subject: RE: Monday Report

We extended Shannon also. Wonder why it did not show up

From: Lapierre, Kenneth
Sent: Monday, January 28, 2019 2:04 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: RE: Monday Report

Thanks Donna,

I guess we extended her since the expiration date was 11-24-18? I can check with Dorothy if needed.

Ken

Kenneth R. Lapierre
Acting Deputy Assistant Administrator for Administration and Resources Management
Office of Mission Support
U.S. Environmental Protection Agency
202-564-5341

From: Vizian, Donna
Sent: Monday, January 28, 2019 2:02 PM
To: Lapierre, Kenneth <lapierre.kenneth@epa.gov>
Cc: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: Re: Monday Report

She is in OGC and on an IPA to the VI

On Jan 28, 2019, at 1:55 PM, Lapierre, Kenneth <Lapierre.Kenneth@epa.gov> wrote:

> Hi Donna and Wes,

Here's the list of IPA folks that need to be addressed over the next few months. Who is Lorie Schmidt?

Thanks--Ken

Kenneth R. Lapierre
Acting Deputy Assistant Administrator for Administration and Resources Management
Office of Mission Support
U.S. Environmental Protection Agency
202-564-5341

From: Carr, Dorothy
Sent: Tuesday, November 13, 2018 1:49 PM
To: Lapierre, Kenneth <lapierre.kenneth@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>
Subject: RE: Monday Report

Ken,

Here is the current information:

Name Compressed	Pay Plan	Noa Narr 1	Date Effective
ALLEN, REGINALD E.	ES	DETAIL NTE 04-14-19	04/15/18
GRAY, LINDA R.	ES	DETAIL NTE 04-10-19	04/09/18
HEARD, VALERIA A.	ES	DETAIL NTE 05-20-19	05/21/18
KENNY, SHANNON C.	ES	DETAIL NTE 12-22-18	12/24/17
SCHMIDT, LORIE J.	ES	DETAIL NTE 11-24-18	05/27/18

Take care,
Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-4356 (office)

Personal Matters / Ex. 6

<image004.jpg>

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From: Lapierre, Kenneth
Sent: Tuesday, November 13, 2018 11:48 AM
To: Carr, Dorothy <Carr.Dorothy@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>
Subject: RE: Monday Report

Thank you Dorothy,

Ken

Kenneth R. Lapierre
Acting Deputy Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
202-564-5341

From: Carr, Dorothy
Sent: Tuesday, November 13, 2018 11:44 AM
To: Lapierre, Kenneth <lapierre.kenneth@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>
Subject: RE: Monday Report

Hi Ken,

We do have access to that information. We will pull it and be in touch.

Thanks,
Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-4356 (office)
Personal Matters / Ex. 6

<image004.jpg>

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From: Lapierre, Kenneth
Sent: Tuesday, November 13, 2018 11:42 AM
To: Carr, Dorothy <Carr.Dorothy@epa.gov>; Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>
Subject: RE: Monday Report

Arron, Jeremy, and Dorothy,

For the SES members that we have on IPAs right now, do you have access to when their IPAs are scheduled to end? We need to start planning for their re-entry back to EPA if the IPAs are not extended or renewed.

Thanks--Ken

Kenneth R. Lapierre
Acting Deputy Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
202-564-5341

From: Carr, Dorothy
Sent: Tuesday, November 13, 2018 10:33 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Taylor, Jeremy <Taylor.Jeremy@epa.gov>; Lapierre, Kenneth <lapierre.kenneth@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Hunt, Loretta <Hunt.Loretta@epa.gov>; Griffin, Malissa <Griffin.Malissa@epa.gov>; Matluk, Lisa <Matluk.Lisa@epa.gov>; Gladden, Gloria <gladden.gloria@epa.gov>
Subject: Monday Report

Good morning,

Attached are the Monday report and supporting data run. Because FPPS was down for the holiday, the data run does not reflect the 3 new SES appointees effective 11/11/18 (Koerber-OAR, Cole-OGC, Adams-Region 9), so we left them in the Hire/Fill section of this week's report. Please let me know if you need further information.

Thank you,
Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-4356 (office)
Personal Matters / Ex. 6
<image004.jpg>

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Message

From: Showman, John [Showman.John@epa.gov]
Sent: 6/29/2018 5:26:19 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Hitchens, Lynnann [hitchens.lynnann@epa.gov]
Subject: Updated FOIA Spreadsheet
Attachments: SES Reassignments_6-28-18position updates noted.xlsx

So attached is an updated spreadsheet --- let me know if anything else stands out to you and I will address. If you are ok I will work with Kristina on Monday to finalize the FOIA response.

From: Helm, Arron
Sent: Friday, June 29, 2018 12:43 PM
To: Showman, John <Showman.John@epa.gov>
Subject: FOIA Spreadsheet

Here you go. We reviewed and shaded the ones that we caught that are really just changes within – not really moves to different positions (position number or title changes etc). That is not an exact science but I think we caught them. One note- I shaded Serena's second one in DC. She was moved to DC before the organization was created so she was the Performance Improvement Officer then when the organization was created she became the Director of the Office. I'm not sure if that one should count or not.

Let me know if there are any others you have questions about and we will try to figure out.

Arron E. Helm
Director
Office of Administration and Resources Management
Research Triangle Park
(919) 541-4252

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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Message

From: Gray, Linda [gray.linda@epa.gov]
Sent: 11/30/2017 5:14:56 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]
CC: Carpenter, Wesley [Carpenter.Wesley@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]; Allen, Tania [Allen.Tania@epa.gov]; Hunt, Loretta [Hunt.Loretta@epa.gov]
Subject: RE: IPA questions

Donna,

Since an IPA involves a personnel action, the CHCO can always sign off; however, the function has been delegated according to the IPA delegation. I will come down to discuss with you later this afternoon. I came down but you were in a meeting.

Linda R. Gray
Director, Office of Human Resources
Office of Administration and Resources Management
Environmental Protection Agency
(202) 564-4606 phone
(202) 564-4613 fax

From: Vizian, Donna
Sent: Thursday, November 30, 2017 11:34 AM
To: Gray, Linda <gray.linda@epa.gov>
Cc: Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Allen, Tania <Allen.Tania@epa.gov>
Subject: RE: IPA questions

Thanks – I understand that is the norm, but does the regulation/rule/guidance prohibit the CHCO from signing?

From: Gray, Linda
Sent: Thursday, November 30, 2017 11:29 AM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Allen, Tania <Allen.Tania@epa.gov>
Subject: RE: IPA questions

Donna,

In further discussing with the staff, the federal agency official is the supervisor of the person requesting the IPA. You would only sign if it was one of your direct reports. In the IPA John Reeder, Mike Flynn wanted you to review before he signed. Historically, our case files indicate the immediate supervisor signing off.

Linda R. Gray
Director, Office of Human Resources
Office of Administration and Resources Management
Environmental Protection Agency
(202) 564-4606 phone
(202) 564-4613 fax

From: Vizian, Donna
Sent: Thursday, November 30, 2017 10:00 AM
To: Gray, Linda <gray.linda@epa.gov>
Cc: Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Allen, Tania <Allen.Tania@epa.gov>
Subject: Re: IPA questions

Thanks. Can I sign instead of the AA?

On Nov 30, 2017, at 8:51 AM, Gray, Linda <gray.linda@epa.gov> wrote:

Donna,

See answers below:

- There are 2 signature blocks
one for "Federal Agency" and one for HQ concurring official. Who signs each block? **Federal Agency is the AA's signature; HQ concurring official is the IPA Coordinator**
- Are they normally a 2 year period or can we do one year with renewal for a year. **It can be either a 2 year period or a one year period with a renewal for a year. It's dependent on what the office, employee, and other organization want to do. Both are processed equally.**

– is there any criteria for how long someone must be in their permanent position before entering into an IPA? **No, but the person must be an expert in their field, i.e. not an intern or a new employee who is still learning their job. Part 6 (reason for the IPA and how it benefits both EPA and the other organization) and Part 7 (employees position description) would justify that the IPA employee is an expert. However, we have never looked at how long a person has been in a job/with EPA prior to going on an IPA.**

Linda R. Gray
Director, Office of Human Resources
Office of Administration and Resources Management
Environmental Protection Agency
(202) 564-4606 phone
(202) 564-4613 fax

Message

From: Helm, Arron [Helm.Arron@epa.gov]
Sent: 11/22/2017 10:51:17 AM
To: Vizian, Donna [Vizian.Donna@epa.gov]
CC: Showman, John [Showman.John@epa.gov]
Subject: Re: Fwd: FW:

I know of a couple issues. Reggie called me late on my cell last night worked up about them trying to promote Phil and looking for advice. I told him the only options. (We just got him into the GS a year or less ago so we are kind of limited- and He did get a raise as well as back pay for an error we discovered in the process). Also, we received a request for release date from Selective Service looking to pick him up on Dec 10 I believe.

He was going to email Helena and I told him he could tell her to call me today.

Sent from my iPhone

On Nov 21, 2017, at 11:03 PM, Vizian, Donna <Vizian.Donna@epa.gov> wrote:

> Arron know anything about this
>
> Begin forwarded message:
>
> > **From:** "Jackson, Ryan" <jackson.ryan@epa.gov>
> > **Date:** November 21, 2017 at 6:13:31 PM CST
> > **To:** "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Vizian, Donna" <Vizian.Donna@epa.gov>
> > **Subject: FW:**
> >
> > I'm tired of this stuff and not having someone who cares about helping me in HR in the AO.
> >
> > I am moving Reg Allen. He's gaming with me all the time knowing I don't have the time to track down what he's not doing.
> >
> > I could use suggestions on who can lead OAES and where I could place Reg. I'm not doing an IPA.
> >
> > ---
> >
> > **From:** Wooden-Aguilar, Helena
> > **Sent:** Tuesday, November 21, 2017 6:59 PM
> > **To:** Jackson, Ryan <jackson.ryan@epa.gov>
> > **Subject:** Re:
> >
> > Update - talked to Reggie again. He said there may be something that can done. I stated that is not what he mentioned earlier to me. So he decided to check with RTP. What a mess. I will have an update by tomorrow.
> >
> > Helena
> >
> > Helena Wooden-Aguilar

Acting Deputy Chief of Staff
Office of the Administrator
U.S. Environmental Protection Agency
202-564-0792 (office)
Ex. 6 Personal Privacy (PP) mobile)
wooden-aguilar.helena@epa.gov

On Nov 17, 2017, at 10:49 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Hey so Phil Somerville spoke to me this morning about leaving to join the selective service doing similar duties to what he has been doing here but at a GS-9 grade two.

Here, Phil is at a GS-8 top grade. He believes that John and Reg advised him over a year ago that if he shifted from a wage system to the GS that he would be able to make more in salary. When he switched from the wage system to GS it was literally on a 40 cent raise at the time, but john and Reg advised him that in a year they could revisit it in the GS scale. He apparently approached them earlier this year and they advised him there's nothing further they could do for him because he's at the top grade for GS-8 and that's the end of the road.

At the selective service Phil believes his potential could rise as high as GS-11 down the road and that if GS-8 and the top grade under GS-8 is the max he can do here, that the position with the selective service would be a no brainer.

I know we are working on a number of things, but can you look into Phil's situation to see if there's something we can do?

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6 Personal Privacy (PP)

Message

From: McIlwain, Serena [McIlwain.Serena@epa.gov]
Sent: 9/22/2017 4:37:11 PM
To: Vizian, Donna [Vizian.Donna@epa.gov]
Subject: RE: Followup

LOL!

From: Vizian, Donna
Sent: Friday, September 22, 2017 9:36 AM
To: McIlwain, Serena <McIlwain.Serena@epa.gov>
Subject: RE: Followup

It's not even english

From: McIlwain, Serena
Sent: Friday, September 22, 2017 12:32 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: FW: Followup

See below…..

From: Allen, Reginald
Sent: Friday, September 22, 2017 9:31 AM
To: McIlwain, Serena <McIlwain.Serena@epa.gov>
Cc: Tellis, Vickie <Tellis.Vickie@epa.gov>
Subject: RE: Followup

Mike Flynn is out today with a family issue so your detail paperwork has not been signed yet by him – once signed we'll get it to Vickie folks in ERD who will advise on next steps – Vickie – good by you?

As far as travel yet you should good into concur and setup your hotel etc.

On the reassignment the SES Slot request is with Donna V.

Vickie – any other thoughts

Reggie

Reginald E. Allen
Acting Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct 202-564-1029
Ex. 6 Personal Privacy (PP)

From: McIlwain, Serena
Sent: Friday, September 22, 2017 12:19 PM
To: Allen, Reginald <Allen.Reginald@epa.gov>

Cc: Tellis, Vickie <Tellis.Vickie@epa.gov>
Subject: RE: Followup

Good morning,

Appreciate our conversation yesterday and just want to recap. The paperwork is in the system for (1) Detail for 60 days and (2) Reassignment (which is pending several other steps). I agreed to pay for the travel based on your lack of travel dollars and I am totally okay with that. I am still unclear of how best to proceed in terms of my next steps. Should I process my own travel as "travel" or is there something special I should do because this is an Detail? Who should I talk with to ensure I am doing things correctly in terms of processing my travel, the detail, etc? Thanks

---

From: Allen, Reginald
Sent: Thursday, September 21, 2017 2:39 PM
To: McIlwain, Serena <McIlwain.Serena@epa.gov>
Subject: Re: Followup

Oh we will need it - I'll explain later...

Reginald E. Allen, SES
Acting Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct 202-564-1029
Ex. 6 Personal Privacy (PP)

On Sep 21, 2017, at 4:40 PM, McIlwain, Serena <McIlwain.Serena@epa.gov> wrote:

> Oh that would be good if you don't need it ":☺
>
> ---
>
> **From:** Allen, Reginald
> **Sent:** Thursday, September 21, 2017 1:24 PM
> **To:** McIlwain, Serena <McIlwain.Serena@epa.gov>
> **Subject:** Re: Followup
>
> Hold on financial data - let me check if we really need it
>
> ***Reginald E. Allen, SES***
> *Acting Deputy Chief of Staff*
> *U.S. Environmental Protection Agency*
> *Office 202-564-0444*
> *Direct 202-564-1029*
> Personal Phone / Ex. 6
>
> On Sep 21, 2017, at 3:26 PM, McIlwain, Serena <McIlwain.Serena@epa.gov> wrote:
>
> > Got it. Quick question, do I work with you regarding housing/next steps for the Detail beginning 10/16? Don't know how this all works so I apologize for bugging you. ☺
> >
> > ---
> >
> > **From:** Allen, Reginald
> > **Sent:** Thursday, September 21, 2017 12:22 PM
> > **To:** McIlwain, Serena <McIlwain.Serena@epa.gov>
> > **Subject:** Re: Followup

Lock in a meeting till 5...

Reginald E. Allen, SES
Acting Deputy Chief of Staff
U.S. Environmental Protection Agency
Office 202-564-0444
Direct 202-564-1029
Personal Phone / Ex. 6

On Sep 21, 2017, at 3:12 PM, McIlwain, Serena <McIlwain.Serena@epa.gov> wrote:

> Have minute to tak?
>
> ---
>
> **From:** Allen, Reginald
> **Sent:** Thursday, September 21, 2017 11:32 AM
> **To:** McIlwain, Serena <McIlwain.Serena@epa.gov>
> **Subject:** Re: Followup
>
> Serena
>
> Sorry DCOS and Office Director duties have had me back to back all day. Bottom line both approaches will work and I am fine with whichever approach you are comfortable with. Having said that I spoke with Henry a few minutes ago and he is good with the approach of a Detail to start and a report date of OCT 16. The Detail paperwork will read 60 days but it will end when we make you permanent. Henry signed the 52, I'll get Mike Flynn's signature today and hold until SES Slot approved.
>
> Reggie
>
> ***Reginald E. Allen, SES***
> *Acting Deputy Chief of Staff*
> *U.S. Environmental Protection Agency*
> *Office 202-564-0444*
> *Direct 202-564-1029*
> Ex. 6 Personal Privacy (PP)

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 8/22/2017 6:15:00 PM
To: Cunningham, Bisa [cunningham.bisa@epa.gov]; Carpenter, Wesley [Carpenter.Wesley@epa.gov]
CC: Allen, Tania [Allen.Tania@epa.gov]
Subject: RE: IPA questions

Thanks Bisa – I think it is in the interest of the agency to have AU send a confirmation.

From: Cunningham, Bisa
Sent: Tuesday, August 22, 2017 2:10 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Cc: Allen, Tania <Allen.Tania@epa.gov>
Subject: RE: IPA questions

1) Based on previous experiences we recommend that John would cc his manager at EPA whenever he takes leave for the record. There is a space on the agreement for us to add this language.
2) We are confirming the second question re: EPA Transit Subsidy with OGC.

r/s

Bisa Cunningham
Director, Diversity, Recruitment, & Employee Services Division
Environmental Protection Agency
Office of Administration and Resources Management
Office of Human Resources, WJC North (Room 1402 Y/Z)
Office: 202-564-6635
Personal Matters / Ex. 6
Email: Cunningham.Bisa@epa.gov

From: Vizian, Donna
Sent: Tuesday, August 22, 2017 1:07 PM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: IPA questions

Hi – I have 2 questions. 1) on the time reporting, I don't see a provision that AU will sign off on his time reported. Without this, the approver has no basis to approve. 2) I am not familiar with including EPA transit subsidy. Have we done this before.

thanks

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 8/23/2017 8:44:16 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Guerrero, David [guerrero.david@epa.gov]
Subject: Re: T&A language

Thank you.

On Aug 23, 2017, at 4:42 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Ex. 5: Deliberative Process/Attorney Client

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Vizian, Donna
Sent: Wednesday, August 23, 2017 3:00 PM
To: Guerrero, David <guerrero.david@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Fwd: T&A language

Sorry revised by Mike. Dave I am about to go under the river so can we talk at 3:15 or 3:30?

Begin forwarded message:

From: "Flynn, Mike" <Flynn.Mike@epa.gov>
Date: August 23, 2017 at 2:58:28 PM EDT
To: "Vizian, Donna" <Vizian.Donna@epa.gov>
Subject: RE: T&A language

Donna, I added a few words (in blue) – with this addition, I'm comfortable with this. it seems to go a long way – can you and ogc live with this?

NEW

Ex. 5: Deliberative Process/Attorney Client

Mike Flynn
Acting Deputy Administrator
U.S. Environmental Protection Agency
202-564-4711

From: Reeder, John
Sent: Wednesday, August 23, 2017 2:42 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: T&A language

Compromise idea. How about this, see below.

Ex. 5: Deliberative Process/Attorney Client

From: Vizian, Donna
Sent: Wednesday, August 23, 2017 1:42 PM
To: Reeder, John <Reeder.John@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: T&A language

John and Mike,

Here is what OGC and I drafted:

Ex. 5: Deliberative Process/Attorney Client

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 8/23/2017 6:37:42 PM
To: Guerrero, David [guerrero.david@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FW: T&A language

I will be on the metro I hope at 3:00. I have a flight to catch. Dave call my desk and I will call you back if I don't pick up

---

From: Reeder, John
Sent: Wednesday, August 23, 2017 2:25 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: T&A language

Donna,

Ex. 5- Deliberative Process/ Attorney-Client

JReeder
564 6082

From: Vizian, Donna
Sent: Wednesday, August 23, 2017 1:42 PM
To: Reeder, John <Reeder.John@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: T&A language

John and Mike,

Here is what OGC and I drafted:

Ex. 5- Deliberative Process/ Attorney-Client

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 8/23/2017 6:36:13 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FW: T&A language

Need some help here

From: Reeder, John
Sent: Wednesday, August 23, 2017 2:25 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: T&A language

Donna,

Deliberative Process / Ex. 5

JReeder
564 6082

From: Vizian, Donna
Sent: Wednesday, August 23, 2017 1:42 PM
To: Reeder, John <Reeder.John@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: T&A language

John and Mike,

Here is what OGC and I drafted:

Deliberative Process / Ex. 5

Message

From: Vizian, Donna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB2401BF8D4F441DBF27F21E122BE2C5-VIZIAN, DONNA]
Sent: 8/18/2017 12:37:17 PM
To: Gray, Linda [gray.linda@epa.gov]
Subject: Re: John Reeder IPA

Great. Thank you

On Aug 18, 2017, at 8:18 AM, Gray, Linda <gray.linda@epa.gov> wrote:

Donna,

Bisa and Tania got the information needed from John Reeder. Justina is out of the office until Monday. Tania advised John and John has called Kevin Minoli to see if Kevin or someone else in OGC can sign off on it today. If we can get Kevin to sign off today, we will send to you today. If not ,Justina is back on Monday.

Linda R. Gray
Director, Office of Human Resources
Office of Administration and Resources Management
Environmental Protection Agency
(202) 564-4606 phone
(202) 564-4613 fax