Message

From: Hellberg, Dennis [Hellberg.Dennis@epa.gov]
Sent: 11/16/2020 2:28:48 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: Media Inquiry— phosphogypsum

Thank you!!

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, November 16, 2020 9:27 AM
To: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

From: Bacon, Stefanie
Sent: Friday, November 13, 2020 4:44 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Kati,

Attached please find the approved responses to Ms. Fortis' questions.

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM

To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:

Hi Enesta,

Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.

Thank you,
Bianca

Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?

Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

How does the review process for these petitions work?

Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

Has there been any evaluation of the heavy metals contained within the phosphogypsum?

How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: Ex. 6

Message

From: Nagata, Jonathan [Nagata.Jonathan@epa.gov]
Sent: 10/16/2020 4:57:36 PM
To: Lee, Raymond [Lee.Raymond@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Matakas, Lauren [matakas.lauren@epa.gov]
Subject: Re: Phosphogypsum Press Release - Revised
Attachments: PG Press Release_GA Web Analytics_2020OCT16.pdf

All,

I was interested to know if people were noticing the Administrator's press release. I noted two news stories (links below) and also pulled some web metrics (attached). If you were on the Web Analytics Report briefing, you'll know that we can see how many people visit EPA web pages, where those visitors are from, how long they spend on the page, and other metrics. While only a few days worth of data, you may still find it interesting. I'm happy to run the report again as time goes on.

Have a nice weekend,
-Jon

EPA approves use of radioactive phosphogypsum in roads, reversing long-held policy (Tampa Bay Times)

EPA allows use of radioactive material in some road construction (The Hill)

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Wednesday, October 14, 2020 12:05 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Lee,

For sure. I'm out on leave this week (and compressed on Friday), but will keep an eye out for the publication. I've already put in an inquiry with OFR, though we are supposed to get an automated e-mail once they know the pub. date.

I'll pass on any info once I receive it.

Thanks and congrats all!

Ray

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:03 AM

To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Good morning Stef,

Thank you for tracking this action.

Ray L,

Could you please keep an eye out for the Federal Register package? Maybe it would be possible to find out when it might be published as well? I'm sure that you have already thought this out and have a plan.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI – looks like today is the day for the Administrator to sign the letter.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:37 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It's looking like a 10am release, FYI.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 11/3/2020 7:27:08 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Hellberg, Dennis [Hellberg.Dennis@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Boyd, Mike [Boyd.Mike@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stef,

Sure. I'll go ahead and read through the balance of questions. Just let me know what the #7 will include when you can.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 2:22 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Apologies, there will be a small adjustment to #7. Let me get back to you.

From: Bacon, Stefanie
Sent: Tuesday, November 3, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Lee,

The technical team has prepared the following responses to The Sun's media inquiry below. While there is not a fixed deadline to provide comment. Kati expects the reporter will be writing an article tomorrow, so we hope to provide our response this afternoon. Please let me know if you suggest any changes or modification to the responses below.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/2/2020 10:07:33 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
Subject: Re: TFI- Phosphogypsum Press Release

Thank you

Sent from my iPhone

On Sep 2, 2020, at 5:13 PM, Wieder, Jessica <Wieder.Jessica@epa.gov> wrote:

This is the email chain from today from Preston about the press release. It may be just to have a draft of the press release in their pocket if they want it.

We will draft it and include a reminder that TFI is not planning to do a press release, unless something has changed from TFI that we are not aware of.

Jess

Sent from my iPhone

Begin forwarded message:

From: "Bacon, Stefanie" <Bacon.stefanie@epa.gov>
Date: September 2, 2020 at 4:48:46 PM EDT
To: "Wieder, Jessica" <Wieder.Jessica@epa.gov>
Subject: FW: TFI- Phosphogypsum

Please see the first email in this chain. This is the only email I've seen from Cory discussing the PR. If there should be a more formalized request that initiates the drafting of the PR I have not seen that.

-----Original Message-----
From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, September 1, 2020 12:43 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI- Phosphogypsum

Awesome- thanks, Kati!

On Sep 1, 2020, at 12:42 PM, Stevens, Katherine <stevens.katherine@epa.gov> wrote:

Hi,

RPD sent us a draft comms plan with plenty of Q+A as well as a desk statement with background that we can nudge into a PR. We'll share when ready.

Thanks!

K

Kati Stevens

Public Affairs Specialist

Office of Air and Radiation

Desk: (202)-564-3251

Cell: (202)-740-7034

Please consider the environment before printing this e-mail

-----Original Message-----

From: Cory, Preston <Cory.Preston@epa.gov>

Sent: Tuesday, September 1, 2020 12:35 PM

To: Stevens, Katherine <stevens.katherine@epa.gov>

Cc: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>

Subject: TFI- Phosphogypsum

Hi Kati,

We are thinking the granting of TFI's petition will go in the FR around mid-month. We'd like to work up a press release and Q&A ahead of time. I recall that you have been working on already, but if not, perhaps it'd be good to have materials by mid-next week for review?

Let me know if you have questions.

Thanks,

Preston

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 11/4/2020 7:15:56 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Stef,

Excellent. Thank you.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, November 04, 2020 2:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Good afternoon Kati,

Please find the final responses to The Sun's media inquiry below. These responses have been reviewed by our technical team and OGC. Please let me know if you have any questions.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 3, 2020 4:58 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Appreciate the update!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 3, 2020 4:58 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Kati,

We are still working this response. We are nearly done, but we've had to circle back on a few questions today after technical team and legal review. I hope to have something tomorrow AM.

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 3, 2020 8:00 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Stef,

Update: She did not give a firm deadline, although is hoping to write her story on Weds or Thursday.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:25 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: Re: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Got it. Stefanie Bacon will take point tomorrow on this inquiry.

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM

To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
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5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Wieder, Jessica [Wieder.Jessica@epa.gov]
Sent: 9/2/2020 9:10:02 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: Re: TFI- Phosphogypsum

Nope. I just wanted to see the context thank you.

Sent from my iPhone

> On Sep 2, 2020, at 4:48 PM, Bacon, Stefanie <Bacon.stefanie@epa.gov> wrote:
>
> Please see the first email in this chain. This is the only email I've seen from Cory discussing the PR. If there should be a more formalized request that initiates the drafting of the PR I have not seen that.
>
> -----Original Message-----
> From: Cory, Preston <Cory.Preston@epa.gov>
> Sent: Tuesday, September 1, 2020 12:43 PM
> To: Stevens, Katherine <stevens.katherine@epa.gov>
> Cc: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
> Subject: Re: TFI- Phosphogypsum
>
> Awesome- thanks, Kati!
>
>> On Sep 1, 2020, at 12:42 PM, Stevens, Katherine <stevens.katherine@epa.gov> wrote:
>>
>> Hi,
>> RPD sent us a draft comms plan with plenty of Q+A as well as a desk statement with background that we can nudge into a PR. We'll share when ready.
>>
>> Thanks!
>> K
>>
>>
>> Kati Stevens
>> Public Affairs Specialist
>> Office of Air and Radiation
>> Desk: (202)-564-3251
>> Cell: (202)-740-7034
>>
>> Please consider the environment before printing this e-mail
>>
>> -----Original Message-----
>> From: Cory, Preston <Cory.Preston@epa.gov>
>> Sent: Tuesday, September 1, 2020 12:35 PM
>> To: Stevens, Katherine <stevens.katherine@epa.gov>
>> Cc: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
>> Subject: TFI- Phosphogypsum
>>
>> Hi Kati,
>>
>> We are thinking the granting of TFI's petition will go in the FR around mid-month. We'd like to work up a press release and Q&A ahead of time. I recall that you have been working on already, but if not, perhaps it'd be good to have materials by mid-next week for review?
>>
>> Let me know if you have questions.
>>
>> Thanks,
>> Preston

Message

From: Wieder, Jessica [Wieder.Jessica@epa.gov]
Sent: 9/2/2020 8:46:48 PM
To: Peake, Tom [Peake.Tom@epa.gov]
CC: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: Re: TFI Communications Plan

Stefanie - I don't see the email from Preston requesting the press release. Can you send it to me?

Jess

Sent from my iPhone

On Sep 2, 2020, at 11:07 AM, Peake, Tom <Peake.Tom@epa.gov> wrote:

Ugh. Not what I wanted to hear, but not surprising.
Thanks for letting us know.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 02, 2020 11:01 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

Ex. 5 Deliberative Process (DP)

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Ex. 5 Deliberative Process (DP)

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions,
Stefanie

Message

From: Boyd, Mike [Boyd.Mike@epa.gov]
Sent: 11/3/2020 6:10:46 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
CC: Stuenkel, David [Stuenkel.David@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Jon,

Ex. 5 Deliberative Process (DP)

Mike

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, November 3, 2020 12:40 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Here are today's draft answers. Mike – could you take a 30 second look at question 1, since it strays into CST territory?

Thanks.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:49 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

There wasn't a firm deadline provided, but Kati said that they were looking to write the story tomorrow. So my goal was to get our responses approved and out by mid afternoon today. Is that reasonable?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I've asked Jon if he is able to do it. He starts at 9 on Tuesdays, but these should not take a lot of time. Have you heard anything more on a deadline?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:27 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Who is taking point on drafting the answers? Do you think it is reasonable to make some progress on the draft answers by 11?

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:05 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

These look pretty straightforward. Copying others who will be involved/should be aware.

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 02, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 10/15/2020 5:07:37 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Media Inquiry: E&E re Phosphogypsum--Approved RPD Answer

Thanks.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Thursday, October 15, 2020 1:03 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum--Approved RPD Answer
Importance: High

Dear Kati:

RPD's approved answer to the E&E Inquiry on Phosphogypsum is below.

Tony

Subject: Media Inquiry: E&E re Phosphogypsum
Good afternoon,

DDL: noon, 10/15

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?

   APPROVED RPD ANSWER

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me? .

APPROVED RPD ANSWER

Ex. 5 Deliberative Process (DP)

3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

DRAFT RPD ANSWER

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 3:14 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: E&E re Phosphogypsum

See below.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 3:08 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel

<DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: E&E re Phosphogypsum

Good afternoon,

DDL: noon, 10/15

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?
2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me?
3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

Message

From: Nesky, Anthony [Nesky.Tony@epa.gov]
Sent: 10/14/2020 5:50:08 PM
To: Millett, John [Millett.John@epa.gov]; Stevens, Katherine [stevens.katherine@epa.gov]
CC: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: TFI Letter

OK, the Subpart R page has been updated with the approved text and now includes a link to a PDF of the pre-publication FR Notice. (Due to Drupal requirements, the pre-publication Notice is housed on its own document page.)

Thanks for the instructions. I think we're good to go now.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 1:04 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Letter

Thanks, Tony – let's hold off on the letter for now, but post the FRN.

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 12:57 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: RE: TFI Letter
Importance: High

The website text is updated. Sorry, but I am still confused by some of the email exchanges.

Could you let us know exactly what they want on the web? Do they want a copy of the letter up? Do they want a pre-publication version of the Federal Register Notice up? If so, I will have to add them.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 12:53 PM
To: Ed Thomas <ethomas@tfi.org>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: TFI Letter

Good afternoon!

This is just to let you know that the Phosphogypsum action and letter are signed, and the announcement is going out at 1 pm Eastern.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 8/4/2020 12:06:26 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Rustick, Joseph [rustick.joseph@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: The Fertilizer Institute | Communications Plan

Great! Thanks. Let me know if/when you have any further updates re: timeline.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 3, 2020 1:24 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: The Fertilizer Institute | Communications Plan

Good afternoon Kati,

I wanted to give you a heads up that RPD is working on a communications plan related to Agency action on The Fertilizer Institute (TFI)'s application for alternative uses of phosphogypsum. Final Agency action is currently pending management and legal review, with a decision timeline that seems to be several weeks away. Regardless, we wanted you to have a heads up that this was in the pipeline and coming your way. There is also the possibility that there may be a quick turn around to act on the comms plan once the agency action is finalized.

Please let me know if you have any questions.

Thanks,
Stefanie

Stefanie Gera Bacon
U.S. Environmental Protection Agency
Radiation Protection Division
Center for Radiation Information and Outreach
(202) 343-9063 | Bacon.Stefanie@epa.gov

Message

From: Millett, John [Millett.John@epa.gov]
Sent: 10/14/2020 5:04:43 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
CC: Nesky, Anthony [Nesky.Tony@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: FW: EPA Approves Use of Phosphogypsum in Road Construction

FYI --

From: EPA Press Office <press@epa.gov>
Sent: Wednesday, October 14, 2020 1:01 PM
To: Millett, John <Millett.John@epa.gov>
Subject: EPA Approves Use of Phosphogypsum in Road Construction

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where

phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 9/14/2020 5:09:52 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: TFI Comms Plan & Press Release
Attachments: TFI Press Release_9-11_ks.docx

Also here are my minor suggested edits. They might be superseded by ORIA management.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, September 14, 2020 1:07 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Comms Plan & Press Release

Will do!

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, September 14, 2020 1:06 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Comms Plan & Press Release

Okay, let me know when it's ORIA approved.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, September 14, 2020 1:05 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: TFI Comms Plan & Press Release

Good afternoon Kati,

Attached please find our TFI Communications Plan and TFI Press Release. These documents have been reviewed by our RPD management and have been (or will shortly be) passed along to ORIA management for review.

Please let me know if you have any questions,
Thank you,
Stefanie

Stefanie Gera Bacon
U.S. Environmental Protection Agency
Radiation Protection Division
Center for Radiation Information and Outreach
(202) 343-9063 | Bacon.Stefanie@epa.gov

Message

From: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Sent: 11/3/2020 3:43:12 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Working on it now. RPD should already have approved answers for several of these, but I'll dig them out again.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 10:39 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Jon and Dan,

Just checking in to see where we are with any responses. Please let me know how things are going.

Thank you,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I've asked Jon if he is able to do it. He starts at 9 on Tuesdays, but these should not take a lot of time. Have you heard anything more on a deadline?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:27 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Who is taking point on drafting the answers? Do you think it is reasonable to make some progress on the draft answers by 11?

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:05 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>;

Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

These look pretty straightforward. Copying others who will be involved/should be aware.

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 02, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: Redacted

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Nesky, Anthony [Nesky.Tony@epa.gov]
Sent: 10/14/2020 4:47:54 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: FW: Signed TFI Request--Do they WANT us to post this?
Attachments: 10014-36-OAR NESHAP Subpart R Approval TFI Request Other Use Phosphogypsum FRN_09212020 mvf edits 10.6.20_Admin.docx

Importance: High

Dear Stefanie:

Ex. 5 Deliberative Process (DP)

Tony

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 12:42 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: FW: Signed TFI Request

Fyi – good to post this . . .

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 12:39 PM
To: Block, Molly <block.molly@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: FW: Signed TFI Request

Hello everyone,

Please see the attached and below. I will put the letter in the mail this afternoon after the release goes out.

Thanks,

Angela

From: Bolen, Brittany <bolen.brittany@epa.gov>
Sent: Wednesday, October 14, 2020 12:37 PM
To: Nickerson, William <Nickerson.William@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Gaines, Cynthia <Gaines.Cynthia@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Signed TFI Request

Today the administrator digitally signed the attached Approval of TFI Request to Use Phosphogypsum.

Message

From: Stuenkel, David [Stuenkel.David@epa.gov]
Sent: 10/6/2020 7:44:04 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

I have no objections to the suggested language, nor any comments or additional proposed edits.

David

David Stuenkel, PhD CHP
EPA / OAR / ORIA / RPD / CST
WJC West, Room 1417E
stuenkel.david@epa.gov
(202) 343-9203

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 6, 2020 15:39
To: Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

See edits below. Just discussed this with Lee, and she is okay with it. See if it flies.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 06, 2020 3:26 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Jon, et.al.,

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 2:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 10/14/2020 3:36:50 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; ORCR Press [ORCR_Press@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]
Subject: RE: TFI comms package

Stephanie,

Thanks for sharing these materials with us. We will let you know if we have any questions. Thanks, Caroline

---

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 11:30 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: TFI comms package

Hello Caroline,

I'm happy to pass along any information that I have that could be helpful. Please see email below from Kati Stevens.

I hope this helps to fill some gaps. I would recommend that if you have any questions regarding the PR and/or edits made to the PR that you direct those questions to Kati within OAR Comms.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 11:27 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: TFI comms package

Approved below is the PR they'll be putting out. The unchanged comms plan is attached.

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This

decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Ex. 5 Deliberative Process (DP)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John

<Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Sent: 10/6/2020 7:38:25 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 3:33 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Jon,

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 6, 2020 3:26 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 2:45 PM

To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so...

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
Sent: 7/14/2020 1:29:11 PM
To: Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Sent: Monday, July 13, 2020 6:25 PM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Jon,

Ex. 5 Deliberative Process (DP)

Andrea

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 5:50 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Hi all,

Ex. 5 Deliberative Process (DP)

Thanks again for your help,

Ray

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 13, 2020 4:17 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>

Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ray,
Thanks for the heads up. The simpler the better, and the response I see looks Ok. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 4:10 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum
Importance: High

Hi all,

Forwarding this on for a quick okay up the approval chain. Please see below; we got a rather simple/informal inquiry on the status of the TFI application/process and we wanted to make sure this short response was kosher. Please let us know if you have any edits or would like to beef it up before I send it back over to Kristina.

Thanks,

Ray

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, July 13, 2020 4:05 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Monday, July 13, 2020 3:55 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 3:53 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Hi guys,

Senator Rubio's office put forth this informal inquiry (doesn't seem to be any controlled correspondence) about a status update on TFI – see below. Can you guys put something together to send back?

Thanks,

Ray

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Monday, July 13, 2020 12:51 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Happy Monday Ray!
Can you do some digging and see if there is anything we can share with Rubio's office?
Thanks!
Kristina

From: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Sent: Monday, July 13, 2020 12:48 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Subject: Senator Rubio inquiry on Phosphogypsum

Hi Kristina,
Below is an inquiry from Sen Rubio's office. I think it has something to do with radioactive material from fertilizer production (https://www.epa.gov/radtown/radioactive-material-fertilizer-production). Would you please find out what can be shared with his office? Can you share feedback by the end of the week? I don't have the sense there's a rush, but I think we want to be responsive.

Thanks – Karen.

The Fertilizer Institute submitted a petition to allow reuse of phosphogypsum in roadbed, I understand it's currently under consideration. A constituent asked about its status in the process, is that's something that can be shared?

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 10/6/2020 7:31:20 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 06, 2020 3:27 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 06, 2020 3:26 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Stef:

Ex. 5 Deliberative Process (DP)

Dan

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 3:14 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 3:01 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Thanks!
Stefanie

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 6, 2020 2:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM

To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 10/15/2020 3:19:06 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice--ANSWERS TO BOTH PRESS INQUIRIES ARE COMING

That can be in your response. Fyi: DDL is noon for E&E.
Politico will update whenever. Their story ran this a.m.

Thanks,
K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, October 15, 2020 11:16 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice--ANSWERS TO BOTH PRESS INQUIRIES ARE COMING

Kati:

I am hearing from our management that the technical report will need some additional time for clearance. We will need at least through the end of the week, but it will certainly be complete before the FR is published.

We will keep you posted.
Stefanie

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Thursday, October 15, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice--ANSWERS TO BOTH PRESS INQUIRIES ARE COMING
Importance: High

We just got off a call finalizing our answers and updating the web site. We might not make 11 AM exactly, but it won't be too long afterwards, and we will have complete answers and an updated website with the letter and supporting documents.

One caveat: someone was out this morning with a family emergency, so we are still formatting one of the documents requested by E&E. It will be available this afternoon. In our reply, we can tell E&E to check back later or forward them the link as soon as it is ready.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Thursday, October 15, 2020 10:32 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

If you need any help publishing the letter or any other web stuff, let me know. Am happy to help.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Thursday, October 15, 2020 9:12 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

The deadline for the E&E inquiry is 11, and we're shooting to meet that. We'll try to get you the Politico answers then too, but we need to get OGC input on those answers, so it may take more time. I'll let you know.

Tony

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Thursday, October 15, 2020 9:08 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

It was me. I think I misunderstood Enesta. But can I get an ETA on responses to the two reporter queries from yesterday?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, October 15, 2020 9:05 AM

To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

Kati,

This looks identical to the E&E request from yesterday. Is it true that the Center for Biological Diversity had the same questions, or did something get mixed up?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Thursday, October 15, 2020 8:09 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

Here's a new one.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Center for Biological Diversity just sent this. Can you comment on this today?

There are no hearings or comment period for this right? There is no rulemaking or permit review, right?

I tried finding the docket for it but could not. Has there been any comment in opposition to the petition? How could I access that?

Is there a process for challenging the announcement or requesting a hearing, or rulemaking?

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?
2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me?
3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

Message

From: Wieder, Jessica [Wieder.Jessica@epa.gov]
Sent: 10/27/2020 8:24:05 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: Re: Action: Media Inquiry: Washington Examiner re phosphogypsum--don't see the benefit in pointing them to international site

You would think those two things would be tied together. All we can do is meet their deadline.

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 3:58 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--don't see the benefit in pointing them to international site

I still think we'll get a steady trickle of these inquiries. BTW, I talked to Kati about the Examiner's running an article before our deadline. She says she sees this all the time, that the deadlines often don't seem connected with publication dates. Go figure.

Tony

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, October 27, 2020 3:55 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Action: Media Inquiry: Washington Examiner re phosphogypsum--don't see the benefit in pointing them to international site

Excellent catch. Just got out of a meeting. I am happy with the responses. Nice job.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 3:30 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--don't see the benefit in pointing them to international site

Dear Lee:

Ex. 5 Deliberative Process (DP)

Tony

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 27, 2020 3:08 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today

Hi Tony,

Here are a few additions:

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Ex. 5 Deliberative Process (DP)

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today
Importance: High

Dear Lee:

We got another inquiry on the TFI approval, this time from the Washington Examiner. Please review CWMR's answer below, make any desired changes, and let me know if I can forward to OAR Comms. Deadline is 5 PM today, and you know you are welcome to call with questions.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

3. How common is phosphogypsum use in roads in other countries?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 27, 2020 12:15 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

Hello! Is this deadline doable (i.e., 5:30 for me)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: Media Inquiry: Washington Examiner re phosphogypsum

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?
2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?
3. How common is phosphogypsum use in roads in other countries?

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/14/2020 3:01:32 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; Diaz, Charlene [diaz.charlene@epa.gov]
CC: Tong, Xinyue [Tong.Xinyue@epa.gov]; Santillan, Eugenio-Felipe [santillan.eugenio-felipe@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 9:11 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>
Cc: Tong, Xinyue <Tong.Xinyue@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:03 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony

<Nesky.Tony@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

+ Charlene

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Veal, Lee
Sent: Wednesday, October 14, 2020 9:03 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Good morning Stef,

Thank you for tracking this action.

Ray L,

Could you please keep an eye out for the Federal Register package? Maybe it would be possible to find out when it might be published as well? I'm sure that you have already thought this out and have a plan.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI – looks like today is the day for the Administrator to sign the letter.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:37 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>

Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It's looking like a 10am release, FYI.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>

Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 10/27/2020 7:45:16 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--Approved RPD Answer

Thanks.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 3:43 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--Approved RPD Answer
Importance: High

Dear Kati:

RPD's approved answer to the Washington Examiner inquiry is below.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Approved RPD Answer:

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Approved RPD Answer:

Ex. 5 Deliberative Process (DP)

3. How common is phosphogypsum use in roads in other countries?

Approved RPD Answer:

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 27, 2020 12:15 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

Hello! Is this deadline doable (i.e., 5:30 for me)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: Media Inquiry: Washington Examiner re phosphogypsum

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?
2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?
3. How common is phosphogypsum use in roads in other countries?

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 11/3/2020 9:19:54 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 4:12 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan/Jess,

Ex. 5 Deliberative Process (DP)

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, November 3, 2020 4:04 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Here is another attempt:

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Walsh, Jonathan
Sent: Tuesday, November 03, 2020 3:35 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>

Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 3:17 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

Thanks to everyone!
Stefanie

> 7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 3:02 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

Minor edit to #4.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, November 03, 2020 2:47 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi,

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 2:22 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie
Sent: Tuesday, November 3, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>

Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Lee,

The technical team has prepared the following responses to The Sun's media inquiry below. While there is not a fixed deadline to provide comment. Kati expects the reporter will be writing an article tomorrow, so we hope to provide our response this afternoon. Please let me know if you suggest any changes or modification to the responses below.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/15/2020 2:36:27 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Thank you Charles. We'll make these adjustments as well.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, October 15, 2020 10:31 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Lee:

(As I noted in my messages to Dan, I'm still muddling along....)

When I click on the link you provided, I find the TFI-related discussion set out below. I have incorporated a few suggested edits in that text.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Charles
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 5:12 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Tony did, and they don't. So can we modify to note that it will be on epa's site in the morning: https://www.epa.gov/radiation/subpart-r-national-emission-standards-radon-emissions-phosphogypsum-stacks (Check this Tony please)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, October 14, 2020 5:10 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel
Sent: Wednesday, October 14, 2020 5:04 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 4:37 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom

<Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 4:36 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum

You're going to be getting a lot of these.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 4:30 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Politico re Phosphogypsum

Good afternoon,

DDL: ASAP

There are no hearings or comment period for this right? There is no rulemaking or permit review, right?

Ex. 5 Deliberative Process (DP)

I tried finding the docket for it but could not. Has there been any comment in opposition to the petition? How could I access that?

Ex. 5 Deliberative Process (DP)

Is there a process for challenging the announcement or requesting a hearing, or rulemaking?

Message

From: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Sent: 10/6/2020 7:05:42 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Kati,

Ex. 5 Deliberative Process (DP)

Thanks,
Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 06, 2020 2:55 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 6, 2020 2:52 PM

To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Kati,

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Wieder, Jessica [Wieder.Jessica@epa.gov]
Sent: 9/9/2020 11:17:03 AM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: Re: TFI Communications Plan
Attachments: TFI Press Release jw (1).docx

Stefanie - see my suggested edits attached. Then feel free to run it by the technical team and Tom and Dan. Call if you want to discuss.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 8, 2020 4:46 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Hi Jess,

Thank you for reviewing the PR. I've attached some changes, and I wanted to know what you think. Please make any additional comments or revisions and send me back a copy you are comfortable with.

I presume that the next steps are to circulate this to Joe/Jon/Tom & Dan?

Thanks,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Friday, September 4, 2020 1:55 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

First thing tomorrow morning, didn't quite happen. I think the language needed some simplification. Feel free to edit and push back.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Thursday, September 3, 2020 5:41 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Got it, Stefanie.

Ex. 5 Deliberative Process (DP)

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, September 3, 2020 3:31 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Jess,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 3:05 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Attached is the press release we proposed when the EPA/NRC MOU was signed.
This was the actual press release - https://www.epa.gov/newsreleases/step-strengthen-us-uranium-mining-industry-epa-administrator-wheeler-signs-important

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Is that helpful?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 2:56 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 2:54 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Do you need help with this?

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:00 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI Communications Plan

FYI: I am passing along the message that OPA plans to publish a press release for the TFI Action.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,
Stefanie

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 11/3/2020 8:50:15 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
CC: Hellberg, Dennis [Hellberg.Dennis@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Boyd, Mike [Boyd.Mike@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 3:48 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, November 3, 2020 3:18 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 03, 2020 3:02 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

Minor edit to #4.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, November 03, 2020 2:47 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi,

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 2:22 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>;

Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie
Sent: Tuesday, November 3, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Lee,

The technical team has prepared the following responses to The Sun's media inquiry below. While there is not a fixed deadline to provide comment. Kati expects the reporter will be writing an article tomorrow, so we hope to provide our response this afternoon. Please let me know if you suggest any changes or modification to the responses below.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Wieder, Jessica [Wieder.Jessica@epa.gov]
Sent: 10/15/2020 2:19:10 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: Re: Media Inquiry: E&E re Phosphogypsum--Due 11 AM 10/15

Ex. 5 Deliberative Process (DP)

Jess

Sent from my iPhone

On Oct 15, 2020, at 10:10 AM, Veal, Lee <Veal.Lee@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, October 15, 2020 9:45 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum--Due 11 AM 10/15

See my edits to the response below.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Wednesday, October 14, 2020 3:45 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum--Due 11 AM 10/15

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 3:30 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum--Due 11 AM 10/15

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 3:26 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: E&E re Phosphogypsum--Due 11 AM 10/15
Importance: High

See the media inquiry below. Could you please provide an answer to question 1 by 11 AM tomorrow,

Ex. 5 Deliberative Process (DP)

Tony Nesky
Center for Radiation Information and Outreach

Tel: 202-343-9597
nesky.tony@epa.gov

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 3:14 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: E&E re Phosphogypsum

See below.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 3:08 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: E&E re Phosphogypsum

Good afternoon,

DDL: noon, 10/15

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?
2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me?
3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

Message

From: Peake, Tom [Peake.Tom@epa.gov]
Sent: 9/9/2020 10:38:15 AM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: Re: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

Lee,
I will check with Charles this morning.
Tom

Sent from my iPhone

On Sep 8, 2020, at 4:55 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

Hi Tom,

Ex. 5 DPP/ACC

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, September 08, 2020 4:37 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

All,

Ex. 5 DPP/ACC

Ex. 5 DPP/ACC

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, September 08, 2020 4:13 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

Tom:

Ex. 5 Attorney Client (AC)

Please call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, September 02, 2020 12:31 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval

Thanks, Charles!

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, September 02, 2020 11:23 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval

Ex. 5 Attorney Client (AC)

Charles
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, September 02, 2020 10:56 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Any word on the review of Anne and signing the TFI request approval

Ex. 5 Attorney Client (AC)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904
sn

Message

From: Stuenkel, David [Stuenkel.David@epa.gov]
Sent: 10/6/2020 6:52:49 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

David

David Stuenkel, PhD CHP
EPA / OAR / ORIA / RPD / CST
WJC West, Room 1417E
stuenkel.david@epa.gov
(202) 343-9203

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 6, 2020 14:45
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan

<Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Nesky, Anthony [Nesky.Tony@epa.gov]
Sent: 10/19/2020 10:02:39 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: Media Inquiry Due noon WED 10/21: The questions are the same as Politco's; we can simply repeat previously approved answers.

Dear Lee:

We have another press inquiry from the Florida Phoenix, but fortunately, it's the same question that Politico asked, so we can simply send the same answers. They also asked "How long has this been in the works." Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

TO FLORIDA PHOENIX
DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works, and why was there no public comment or public hearing allowed?

PREVIOUSLY APPROVED ANSWER—YELLOW HIGHLIGHTED content taken directly from the published website. The rest is an approved answer submitted to Politico on 10/15/20.

In October 2019, EPA received a request from The Fertilizer Institute (TFI), on behalf of its members that own or operate phosphogypsum stacks, to take phosphogypsum out of the stacks and use it in road construction. This request was subsequently revised in April 2020.

This approval falls under the established procedures for approving other uses of phosphogypsum in 40 CFR 61.206. That process does not require a hearing or comment period. However, as a condition of the approval, a government agency that intends to use phosphogypsum in a road construction project must provide public notice of the proposed project and an opportunity for the public to review road plans and risk assessment materials. Also, in general, public notice, hearings, and opportunities for comment may be at the state or local level in connection with road construction.

The risk assessment, petitions, approval letter and other supporting document are available on our website at https://www.epa.gov/radiation/approval-other-uses-phosphogypsum-supporting-documents

They are also available in the Docket No. EPA-HQ-OAR-2020-0442, accessible through www.regulations.gov.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, October 19, 2020 8:48 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum

Yup, 10/21. That's fine!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Monday, October 19, 2020 8:47 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum

Good morning, Kati!

The deadline is 10/21, right? I was just going to shoot you our previously approved answers right now, but if the deadline is 10/21, I'd rather wait until tomorrow, when we expect the Federal Register Notice to appear and the Docket to open.

Tony

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, October 19, 2020 8:04 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: Florida Phoenix re phosphogypsum

Repeat questions, so hopefully not too much work. ☺

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, October 19, 2020 7:34 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel

<DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Florida Phoenix re phosphogypsum

Good morning,

DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works, and why was there no public comment or public hearing allowed?

Message

From: Peake, Tom [Peake.Tom@epa.gov]
Sent: 10/6/2020 6:19:42 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Stefanie,
Thanks for the information!

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 9/8/2020 7:56:14 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: TFI Communications Plan

That's fine. I just appreciate the update!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 8, 2020 3:55 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Hi Kati,

I have no updates on the TFI comms plan other than that we continue to work on the document to address RPD management comments. Additionally, I have worked with Jess to draft a press release, but I believe that the PR will also need to make the internal rounds for review.

Ex. 5 Deliberative Process (DP)

Stefanie

From: Bacon, Stefanie
Sent: Tuesday, September 8, 2020 8:10 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Not a problem. We are still working on the comms plan. There were some questions that came up late last week that we are hoping to resolve today. However, the comms plan will still need to be reviewed again by our local RPD management before I can pass along another copy.

I hope that is helpful as far as an update. I'll certainly pass along the package when I have it available.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 8, 2020 8:08 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Let me know how things are progressing today. Thanks!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Perfect, just wanted to make sure we were on the same page, and it sounds like we are!!

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, September 2, 2020 11:56 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:53 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

Thanks again!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, September 2, 2020 11:51 AM

To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

It looks like she was also hoping for mid-next week. I'll check in again on Tuesday on where we're at. Sound good?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:49 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Hi Kati,

Thanks for that information. I will certainly keep you updated as to when the comms plan has been reviewed and

Ex. 5 Deliberative Process (DP)

When would you need a working PR by? Is there a specific deadline or timeline I'd be working with? This will help me plan ☺

Thanks!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

I wanted to provide an update on our draft (but nearly final) communications plan for The Fertilizer Institute (TFI). As a reminder, this communications plan relates to Agency action on The Fertilizer Institute (TFI)'s application for alternative

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,
Stefanie

Message

From: Nesky, Anthony [Nesky.Tony@epa.gov]
Sent: 10/14/2020 1:52:59 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: Updated Subpart R Page is published.

Importance: High

Well, I just put the old page back based on Molly and John's email chain. Can you please let me know right away if you want the updated Subpart R page published NOW, or whether we should wait. I'm confused, sorry.

Tony

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 9:51 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Updated Subpart R Page is published.

Thank you Tony!

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 9:43 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>
Subject: Updated Subpart R Page is published.

The updated Subpart R page is live on the web!

Tony

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:53 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Tony,

Could you please let me know when the web content has been pushed live? Also, we are still waiting to hear about the letter and if that will need to be posted, so I'll let you know as soon as I hear anything.

Thanks!!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:22 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

You can publish web this morning as soon as you're able. I'm finding out about the letter. Do you have it, or does OPA need to provide?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/16/2020 7:08:20 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Media Inquiry: Tribune Review re phosphogypsum--CWMR-Approved Answer for Your Review/Approval--Text about Federal Register and Docket Added

Excellent. Clear to send this one off!

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Friday, October 16, 2020 3:00 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Media Inquiry: Tribune Review re phosphogypsum--CWMR-Approved Answer for Your Review/Approval--Text about Federal Register and Docket Added

Dear Lee:

I slightly rewrote the text about the Federal Register that we used yesterday. I'm reluctant to give an exact date for publication in case there is a delay for unforeseen reasons. My addition is in highlight for your edits/approval. You are of course welcome to call me if you want to discuss it.

Answer:

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, October 16, 2020 2:41 PM

To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Media Inquiry: Tribune Review re phosphogypsum--CWMR-Approved Answer for Your Review/Approval--Yes, let's point them to the letter

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Friday, October 16, 2020 2:29 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Media Inquiry: Tribune Review re phosphogypsum--CWMR-Approved Answer for Your Review/Approval--Yes, let's point them to the letter

Dear Lee:

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, October 16, 2020 2:14 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Media Inquiry: Tribune Review re phosphogypsum--CWMR-Approved Answer for Your Review/Approval

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal

Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Friday, October 16, 2020 1:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Media Inquiry: Tribune Review re phosphogypsum--CWMR-Approved Answer for Your Review/Approval
Importance: High

Dear Lee:

We got another press inquiry on TFI, due at 5:30 today. CWMR's approved answeris below. Could you please review, and provide any edits or indicate your approval. Thanks!

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Question from Tribune Review, DDL 1730 10/16

Q: How are the radioactivity and radon-emitting properties of phosphogypsum being mitigated in order to render it safe enough for road construction, if the current storage method is, essentially, to keep it pretty far away from anybody?

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 16, 2020 12:02 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: Tribune Review re phosphogypsum

If you can get this to me by 5:30 (when I'm done for the day), that would be great.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Friday, October 16, 2020 12:00 PM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>; Millett, John <Millett.John@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>
Subject: Media Inquiry: Tribune Review re phosphogypsum

Good afternoon,
DDL: 6 p.m., 10/16

How are the radioactivity and radon-emitting properties of phosphogypsum being mitigated in order to render it safe enough for road construction, if the current storage method is, essentially, to keep it pretty far away from anybody?

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 11/3/2020 7:01:52 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Boyd, Mike [Boyd.Mike@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 03, 2020 1:56 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: Re: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Nov 3, 2020, at 1:21 PM, Bacon, Stefanie <Bacon.stefanie@epa.gov> wrote:

+Jessica (she is going to review before these go to Lee).

Thank you all for reviewing the technical content and drafting these replies ☺

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 1:20 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel
Sent: Tuesday, November 03, 2020 1:16 PM

To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I think these look good. Just a couple of suggested edits/additions.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, November 03, 2020 12:40 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Here are today's draft answers. Mike – could you take a 30 second look at question 1, since it strays into CST territory?

Thanks.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:49 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

There wasn't a firm deadline provided, but Kati said that they were looking to write the story tomorrow. So my goal was to get our responses approved and out by mid afternoon today. Is that reasonable?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I've asked Jon if he is able to do it. He starts at 9 on Tuesdays, but these should not take a lot of time. Have you heard anything more on a deadline?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:27 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Who is taking point on drafting the answers? Do you think it is reasonable to make some progress on the draft answers by 11?

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:05 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

These look pretty straightforward. Copying others who will be involved/should be aware.

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 02, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 9/29/2020 8:29:05 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release
Attachments: TFI response-Press Release_09 29 20.docx

UPDATE!

Ex. 5 Deliberative Process (DP)

I added your questions to the comms plan and the PR when I sent them up, so hopefully I'll have more information for you tomorrow.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 29, 2020 8:24 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Thank you for the update Kati ☺

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 29, 2020 8:04 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Nothing yet. I will check in with the IO again by the end of the day if I don't hear anything. It's their thing at this point and their responsibility to let us know when they want the web materials published, though, so don't sweat it too much. ☺

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, September 28, 2020 8:40 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Hi Kati,

I didn't want to forget to check-in on this today. Have you heard any updates regarding OPA and IO's preference for publishing our TFI web content and when the press release will go out?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, September 25, 2020 9:10 AM
To: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Okay, great. I'll find out what OPA and IO's preference is on web pub and PR when I hear back then.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Millett, John <Millett.John@epa.gov>
Sent: Friday, September 25, 2020 9:04 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Yes – as soon as next week. The administrator is going to Florida in mid-oct., so that's when it will be announced.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Friday, September 25, 2020 9:02 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Adding John – I believe he heard that the letter was being routed for signature by the Administrator next week. Is that right, John?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, September 25, 2020 8:53 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>

Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Hi,
I sent the comms plan to the OAR IO yesterday. I'm CC-ing Isabel here as I think I missed the timing discussion on TFI during our comms meeting yesterday – playing catch-up the day after time off always means failed multi-tasking! Isabel, did they mention timing?

Otherwise, when I get the information back from the IO, I'll ask these questions and/or coordinate with OPA.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Friday, September 25, 2020 8:49 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Good morning Kati,

I hope you had a nice few days out of the office. Welcome back ☺

I wanted to follow up on the comms materials that I sent Wednesday and ask some questions about next steps.

Ex. 5 Deliberative Process (DP)

Thank you!
Stefanie

From: Bacon, Stefanie
Sent: Wednesday, September 23, 2020 1:17 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: The Fertilizer Institute | Final Comms Plan & Press Release

Good afternoon,

Attached is the final TFI comms plan and press release. While we are considering the documents final, my management did want me to communicate that the documents still could be subject to change while we work to obtain Administrator Wheeler's signature on the approval letter.

Please note that these documents have been reviewed by RPD and ORIA management, as well as OGC. Also note that there are several placeholders in the comms plan that will need to be finalized once the Administrator issues the approval letter.

I also want to remind everyone on this email chain that TFI's representative informed RPD that they do not intend to issue a press release immediately, maybe when they get a project it will be appropriate. If/when EPA plans to issue a press release, could you please let me know so that I can inform my management?

Please let me know if you have any questions.

Thank you,
Stefanie

Stefanie Gera Bacon
U.S. Environmental Protection Agency
Radiation Protection Division
Center for Radiation Information and Outreach
(202) 343-9063 | Bacon.Stefanie@epa.gov

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 10/15/2020 7:50:32 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; White, Rick [White.Rick@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: Media Inquiry from Center for Biodiversity: RPD's Approved Answer is below

Thanks. Great job!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Thursday, October 15, 2020 3:47 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Media Inquiry from Center for Biodiversity: RPD's Approved Answer is below
Importance: High

Dear Kati:
Dear Kati:

Here is RPD's approved answer to the question from the Center for Biodiversity.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Center for Biological Diversity just sent this. Can you comment on this?

The last time it was evaluated for use in roads, the EPA found that the gypsum in FL was to radioactive for that use. (http://www.fipr.state.fl.us/about-us/phosphate-primer/phosphogypsum-and-the-epa-ban/). Without seeing the EPA's analysis (assuming there is one), I can't imagine what has changed, except the agency's tolerance for which and how many people get sick or die as a result of exposure.

APPROVED RPD ANSWER

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine
Sent: Thursday, October 15, 2020 12:58 PM**To:** Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum--Approved RPD Answer

See below.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Thursday, October 15, 2020 12:57 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: Re: Media Inquiry: Politico re Phosphogypsum--Approved RPD Answer

Any response to his question below?

Center for Biological Diversity just sent this. Can you comment on this?

The last time it was evaluated for use in roads, the EPA found that the gypsum in FL was to radioactive for that use. (http://www.fipr.state.fl.us/about-us/phosphate-primer/phosphogypsum-and-the-epa-ban/). Without seeing the EPA's analysis (assuming there is one), I can't imagine what has changed, except the agency's tolerance for which and how many people get sick or die as a result of exposure.

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 10/20/2020 9:18:08 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum--APPROVED RPD ANSWER ATTACHED

Thanks!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 20, 2020 5:06 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum--APPROVED RPD ANSWER ATTACHED
Importance: High

Dear Kati:

RPD's approved answer is below.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Good morning,
TO FLORIDA PHOENIX
DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works, and why was there no public comment or public hearing allowed?

APPROVED RPD RESPONSE

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 20, 2020 4:47 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum

Just a reminder this is due tomorrow by noon (to the reporter; to me earlier, please).

Thanks!
K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Monday, October 19, 2020 9:01 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry: Florida Phoenix re phosphogypsum

We're on it, no problem

Sent from my iPhone

> On Oct 19, 2020, at 8:04 AM, Stevens, Katherine <stevens.katherine@epa.gov> wrote:
>
> Repeat questions, so hopefully not too much work. ☺
>
> Kati Stevens

Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, October 19, 2020 7:34 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Florida Phoenix re phosphogypsum

Good morning,

DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works, and why was there no public comment or public hearing allowed?

Message

From: DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Sent: 10/14/2020 1:09:07 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: FW: Phosphogypsum at 10 am today
Attachments: Fertilizer.Institute.SIGNED.pdf

FYI

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 8:56 AM
To: Millett, John <Millett.John@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Hello,

Please see the signed letter attached. I will wait to put the letter into the mail until after the release goes out.

Thanks,

Angela

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 8:52 AM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: Phosphogypsum at 10 am today

Updated the subject line. Adding Angela, Ann and John S. Will we know that the action has been signed in time to post by 10? It'd be good to know that it's signed by at least 9:30.

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 14, 2020 8:35 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Let's do 10:00 AM.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:21 AM
To: Block, Molly <block.molly@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

I'll have RPD publish updated web as soon as they're able. Would you like the signed letter published too?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, October 13, 2020 4:11 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Approved below:

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This

decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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Washington, D.C. 20004

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From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

That's helpful, thanks. I don't know when CSAPR will be signed on Thursday. Would there be a conflict with that announcement going out the same afternoon?

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Ex. 5 Deliberative Process (DP)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Isabel, I think Fuels Streamlining is going to go out at 2:00 pm on Thursday.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Hi Molly,
We are hearing that signature for the CSAPR is expected on Thursday. We also have Fuels Streamlining happening that day. Do we have a target time for the Streamlining announcement? Would it work to plan for a CSAPR announcement later in the day (to give time to ensure signature and get things teed up for posting)?

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John

<Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Good afternoon,

Attached is the PR, factsheet, Q&A, and comms plan for the CSAPR update.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/14/2020 8:20:24 PM
To: Millett, John [Millett.John@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; Stevens, Katherine [stevens.katherine@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Media Inquiry: E&E re Phosphogypsum

On it right now.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 4:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 3:27 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum

John,

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division

Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 3:23 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum

Ex. 5 Deliberative Process (DP)

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 3:14 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: E&E re Phosphogypsum

See below.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 3:08 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: E&E re Phosphogypsum

Good afternoon,

DDL: noon, 10/15

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?
2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me?

3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

Message

From: Peake, Tom [Peake.Tom@epa.gov]
Sent: 10/14/2020 7:43:14 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: FW: TFI Letter

FYI. Stefanie answered my question to Jon.
The announcement went out at 1 pm. See below.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 3:37 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: TFI Letter

Tom,

This may help answer some of your questions. Sorry for the delay. There have been a flurry of emails this afternoon and I haven't been keeping up as well as I would have liked.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 12:53 PM
To: Ed Thomas <ethomas@tfi.org>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: TFI Letter

Good afternoon!

This is just to let you know that the Phosphogypsum action and letter are signed, and the announcement is going out at 1 pm Eastern.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Peake, Tom [Peake.Tom@epa.gov]
Sent: 10/14/2020 7:38:34 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: RE: TFI Letter

Thanks! Would you forward Kati's email to Lee and others?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 3:37 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: TFI Letter

Tom,

This may help answer some of your questions. Sorry for the delay. There have been a flurry of emails this afternoon and I haven't been keeping up as well as I would have liked.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 12:53 PM
To: Ed Thomas <ethomas@tfi.org>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: TFI Letter

Good afternoon!

This is just to let you know that the Phosphogypsum action and letter are signed, and the announcement is going out at 1 pm Eastern.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Sent: 10/13/2020 2:45:10 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Stevens, Katherine [stevens.katherine@epa.gov]
CC: Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Checking…

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Stuenkel, David [Stuenkel.David@epa.gov]
Sent: 10/7/2020 2:56:10 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: Re: Phosphogypsum Press Release - Revised

Stefanie:

The facts in the quote are accurate. I have no proposed changes.

Thanks,

David

David Stuenkel, PhD CHP
EPA / OAR / ORIA / RPD / CST
WJC West, Room 1417E
stuenkel.david@epa.gov
(202) 343-9203

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Wednesday, October 7, 2020 10:47
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

I can live with that. Thanks, all, for your patience.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 07, 2020 10:45 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Jon and David (and others),

Could you please see the revised TFI press release quote below. Kati is giving us the opportunity to review this and make changes if they are needed.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Stevens, Katherine [stevens.katherine@epa.gov]
Sent: 11/13/2020 10:02:30 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry— phosphogypsum

Thanks!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Friday, November 13, 2020 4:44 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Kati,

Attached please find the approved responses to Ms. Fortis' questions.

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

> On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:
>
> Hi Enesta,
>
> Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.
>
> Thank you,
> Bianca
>
> Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?
>
> Why was the Fertilizer Institute's request revised in April?
>
> When does the new policy change take effect?
>
> How does the review process for these petitions work?
>
> Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?
>
> Has there been any evaluation of the heavy metals contained within the phosphogypsum?
>
> How will the EPA monitor roads that use phosphogypsum?
>
> Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 11/13/2020 7:21:04 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: For Review: Media Inquiry— phosphogypsum
Attachments: Media Inquiry_B Fortis_11-13-20.docx

HI,

A few comments and edits for you.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Friday, November 13, 2020 10:45 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: For Review: Media Inquiry— phosphogypsum

Good morning Lee,

Attached please find a set of draft responses for a recent media inquiry. Much of the text came from the approved communications plan. There was also text that I pulled from the RPD internal Q&A. The attached has been reviewed and approved by Jon and Jess. The deadline for a final response is Thursday, 11/19.

Also note that Kati Stevens has mentioned that this reporter is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know if you have any questions.

Thanks!
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

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>
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> Bianca
>
> Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?
>
> Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

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Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

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How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

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Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Message

From: Wieder, Jessica [Wieder.Jessica@epa.gov]
Sent: 11/13/2020 3:25:54 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
Subject: Re: Media Inquiry— phosphogypsum

I am good with this. Please send it to Lee.

Sent from my iPhone

On Nov 13, 2020, at 9:30 AM, Bacon, Stefanie <Bacon.stefanie@epa.gov> wrote:

Jess,

I agreed with your comments and have incorporated the suggested edits. Please see attached. If you are okay with this moving forward, please let me know and I can send it to Lee.

Thank you!
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Friday, November 13, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Hi Stefanie - This looks excellent. I have suggested edits to the first answer and a suggestion to add links to the documents (or possibly just to the website or docket, as appropriate).

Give me a call if you want to discuss. Once we are okay with question 1, then we can get it over to Lee for review.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, November 12, 2020 4:13 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Jess,

Attached for your review is a clean copy of the B. Fortis media inquiry. Other than a few additional editorial changes, I have reviewed and accepted Jon's comments.

Please let me know if you have any additional feedback or concerns.

Thank you!
Stefanie

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, November 12, 2020 2:35 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Here is my draft.

- Jon

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, November 12, 2020 2:24 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

It looks pretty good to me. I did see one typo. I defer to Jon on his review.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, November 12, 2020 2:14 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Thank you.

Jon: could you please review the attached for technical accuracy (and also add any additional content that you feel would answer the questions!).

Tom/Dan: do you plan to review the media inquiry after Jon has reviewed, or can I send to Jess/Lee after I hear back from Jon?

Thanks,
Stefanie

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, November 12, 2020 8:50 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>

Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Stef,
Thanks for taking the first crack at these. If you need any support, please coordinate with Jon W. Note that he is out Friday.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, November 10, 2020 12:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

We should reply in writing. Our previous responses are on the G Drive at:

Ex. 5 Deliberative Process (DP)

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 10, 2020 10:22 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Don't they know 13 is an unlucky number? I think we try to respond in writing. If we had a phone call, we would want to draft responses first anyway. These all look fairly straightforward, and we already have answers for most of them.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 10, 2020 10:16 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Dan,

We received 13 new questions from a media inquiry. Kati has given us the option to respond in writing or on a call. Which do you prefer? The list of questions is pasted below, and the deadline for responding is next Thursday.

Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

How does the review process for these petitions work?

Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

Has there been any evaluation of the heavy metals contained within the phosphogypsum?

How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

> On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:
>
> Hi Enesta,
>
> Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.
>
> Thank you,
> Bianca
>
> Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?
>
> Why was the Fertilizer Institute's request revised in April?
>
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What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945
<Media Inquiry_B Fortis_11-13-20.docx>

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/4/2020 7:32:36 PM
To: Hellberg, Dennis [Hellberg.Dennis@epa.gov]
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Thanks for this note Dennis ☺ I always dread media inquiries, and I'm glad this one is finished!

From: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Sent: Wednesday, November 4, 2020 2:31 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Great job Mrs. Bacon!!

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, November 4, 2020 2:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Good afternoon Kati,

Please find the final responses to The Sun's media inquiry below. These responses have been reviewed by our technical team and OGC. Please let me know if you have any questions.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?

Ex. 5 Deliberative Process (DP)

2. Why did the EPA not allow for public comment on this rule change? When is public comment required?

Ex. 5 Deliberative Process (DP)

3. By government road projects, does this mean just those with federal funding? Not state or local funding?

Ex. 5 Deliberative Process (DP)

4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?

Ex. 5 Deliberative Process (DP)

5. Has the EPA received any applications yet?

Ex. 5 Deliberative Process (DP)

6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?

Ex. 5 Deliberative Process (DP)

7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 3, 2020 4:58 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Appreciate the update!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 3, 2020 4:58 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Kati,

We are still working this response. We are nearly done, but we've had to circle back on a few questions today after technical team and legal review. I hope to have something tomorrow AM.

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 3, 2020 8:00 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Stef,

Update: She did not give a firm deadline, although is hoping to write her story on Weds or Thursday.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:25 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: Re: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Got it. Stefanie Bacon will take point tomorrow on this inquiry.

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/15/2020 6:24:20 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: FW: TFI comms package
Attachments: TFI response-Comms Plan_09 21 2020 .docx

From: Bacon, Stefanie
Sent: Wednesday, October 14, 2020 11:30 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: TFI comms package

Hello Caroline,

I'm happy to pass along any information that I have that could be helpful. Please see email below from Kati Stevens.

I hope this helps to fill some gaps. I would recommend that if you have any questions regarding the PR and/or edits made to the PR that you direct those questions to Kati within OAR Comms.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 11:27 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: TFI comms package

Approved below is the PR they'll be putting out. The unchanged comms plan is attached.

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This

decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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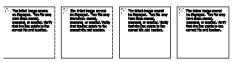
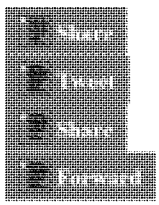


U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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.

From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Ex. 5 Deliberative Process (DP)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Ex. 5 Deliberative Process (DP)

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John

<Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Good afternoon,

Attached is the PR, factsheet, Q&A, and comms plan for the CSAPR update.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/4/2020 7:09:35 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Thank you Charles! I will pass along the finalized responses to OAR Comms.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, November 4, 2020 2:06 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Thanks, Stefanie. No significant concerns or issues.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, November 04, 2020 8:33 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Charles,

Our technical team made a few changes to the media inquiry responses, and I wanted to pass our revised responses through you one last time. Please let me know if there are any show-stoppers so that I can get the final responses to OAR Comms.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, November 3, 2020 3:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Stefanie:

Ex. 5 Deliberative Process (DP)

Please feel free to call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 2:17 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Charles,

We received a media request from The Sun today, and Dan suggested that I pass our proposed responses through you. Please let me know soon if there are any show-stopping concerns.

Thank you,
Stefanie

From: Bacon, Stefanie
Sent: Tuesday, November 3, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Lee,

The technical team has prepared the following responses to The Sun's media inquiry below. While there is not a fixed deadline to provide comment. Kati expects the reporter will be writing an article tomorrow, so we hope to provide our response this afternoon. Please let me know if you suggest any changes or modification to the responses below.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:27 PM

To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/3/2020 5:47:27 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: FW: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Jess,

Ex. 5 Deliberative Process (DP)

BTW, there is no formal deadline for our responses, but Kati does believe that the reporter will begin writing the article tomorrow, so I was aiming to send Kati our responses later this afternoon.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, November 3, 2020 12:40 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Here are today's draft answers. Mike – could you take a 30 second look at question 1, since it strays into CST territory?

Thanks.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:49 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

There wasn't a firm deadline provided, but Kati said that they were looking to write the story tomorrow. So my goal was to get our responses approved and out by mid afternoon today. Is that reasonable?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I've asked Jon if he is able to do it. He starts at 9 on Tuesdays, but these should not take a lot of time. Have you heard anything more on a deadline?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:27 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph

<rustick.joseph@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Who is taking point on drafting the answers? Do you think it is reasonable to make some progress on the draft answers by 11?

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:05 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

These look pretty straightforward. Copying others who will be involved/should be aware.

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 02, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/6/2020 8:48:36 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Kati,

The team is proposing the following change to the quote:

Ex. 5 Deliberative Process (DP)

Please let me know if it is possible to make this change in the PR or if you have any additional questions.

Thank you,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 2:55 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 6, 2020 2:52 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Kati,

I have a question on the edits made to the press release. Are there any opportunities to edit the PR based on comments

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/6/2020 8:45:02 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Will do, sending to Kati now!

Thanks to all for the quick review and the many suggestions for improving this statement.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 6, 2020 4:41 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Stef and Jon,

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 06, 2020 4:25 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Fine with me.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 4:18 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick

<White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 06, 2020 3:39 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

See edits below. Just discussed this with Lee, and she is okay with it. See if it flies.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 06, 2020 3:26 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Jon, et.al.,

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 2:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so...

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251

Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/2/2020 3:52:46 PM
To: Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

Thanks!
Stefanie

From: Rustick, Joseph <rustick.joseph@epa.gov>
Sent: Wednesday, September 2, 2020 11:48 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

I assume we'll talk about this at 3, but does this change our estimated timeline?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:01 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI Communications Plan

FYI: I am passing along the message that OPA plans to publish a press release for the TFI Action.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist

Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

I wanted to provide an update on our draft (but nearly final) communications plan for The Fertilizer Institute (TFI). As a reminder, this communications plan relates to Agency action on The Fertilizer Institute (TFI)'s application for alternative

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,
Stefanie

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/9/2020 6:25:48 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
Subject: RE: TFI Communications Plan

The comms plan was passed forward to Tom and Dan for review. Next they will send it to Lee, Lee will review it and then it will go to Jon and Andrea. After Jon and Andrea review it, it will be considered final.

The draft press release has also been passed forward to Tom and Dan. I expect it will go through a similar review process.

Hope that is helpful!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, September 9, 2020 2:24 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

How are things going today?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 8, 2020 3:55 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Hi Kati,

I have no updates on the TFI comms plan other than that we continue to work on the document to address RPD management comments. Additionally, I have worked with Jess to draft a press release, but I believe that the PR will also need to make the internal rounds for review.

If there is any consolation, it is my understanding that there will need to be some final legal and administrative issues resolved before the Agency can issue a final action related to this request. So I think we still have a little bit more time.

Stefanie

From: Bacon, Stefanie
Sent: Tuesday, September 8, 2020 8:10 AM

To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Not a problem. We are still working on the comms plan. There were some questions that came up late last week that we are hoping to resolve today. However, the comms plan will still need to be reviewed again by our local RPD management before I can pass along another copy.

I hope that is helpful as far as an update. I'll certainly pass along the package when I have it available.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 8, 2020 8:08 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Let me know how things are progressing today. Thanks!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Perfect, just wanted to make sure we were on the same page, and it sounds like we are!!

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, September 2, 2020 11:56 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

I think she just wants to review the PR by mid-next week and they'd want to coordinate the PR going out with the letter and FR posting. It would be weird to send it out beforehand (not that they haven't done that in the past, but we'll try to keep that from happening if possible).

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:53 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Sounds good! Do you know if the PR would be released before other materials related to this Action are released – namely the FR and the Letter going from EPA to The Fertilizer Institute granting the approval? I think I will have a better sense of the timeline related to the FR and Letter so that's why I was asking.

Thanks again!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, September 2, 2020 11:51 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

It looks like she was also hoping for mid-next week. I'll check in again on Tuesday on where we're at. Sound good?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:49 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Hi Kati,

Thanks for that information. I will certainly keep you updated as to when the comms plan has been reviewed and approved by our internal RPD/ORIA managment. For a timeline on that, I am not expecting it until maybe mid-next week. Our technical team needs to answer some questions posed during the RPD management review. There may also be additional questions resulting from the ORIA management review (which has not occurred yet). Also, I believe that RPD is coordinating with OLEM on the comms plan, and OLEM may have some additional input.

When would you need a working PR by? Is there a specific deadline or timeline I'd be working with? This will help me plan ☺

Thanks!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM

To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

I wanted to provide an update on our draft (but nearly final) communications plan for The Fertilizer Institute (TFI). As a reminder, this communications plan relates to Agency action on The Fertilizer Institute (TFI)'s application for alternative

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,
Stefanie

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/14/2020 3:04:07 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: FW: Phosphogypsum at 10 am today--Updated Subpart R page is live on the web.

Lee and Tom,

I wanted you to be aware that Kati approved us pushing out the TFI announcement on our Subpart R page. These updates are live now.

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 10:09 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum at 10 am today--Updated Subpart R page is live on the web.

OK, the updated page is live on the web now. Thanks for clarifying.

Tony

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 10:02 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Yup, that's fine.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 10:01 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum at 10 am today
Importance: High

OK, just to confirm: Do you want us to publish the updated Subpart R page that states that the Administrator approved the TFI request today?

Tony

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 9:59 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Yeah, sorry about that.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 9:58 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Ok, thank you for clarifying. We appreciate it, given the flurry of emails this morning.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 9:56 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

No, no, that was only about the letter – don't post that until/unless OPA tells us to. The other updates are fine to go up. We're waiting on the FRN for the PR to go out, but you can keep the remaining web updates up; it's fine.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 9:55 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Kati,

Ex. 5 Deliberative Process (DP)

Thank you,
Stefanie & Tony

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 9:44 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>
Subject: FW: Phosphogypsum at 10 am today

Fyi – from Molly, the press secretary below. This is the best course to take (or at least the course we usually follow) – await confirmation of FRN signature, then post, then announce.

Who's on the hook to reach out to that contact at TFI? His email was circulated a week or two back. Whoever it is should fill him in on the timing of letter- and FRN-signing, plus what we know about announcement and web posting times. Doable?

Thanks!

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 14, 2020 9:39 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Millett, John <Millett.John@epa.gov>
Cc: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Got it. Will hold off. Keep up posted on timing.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 9:38 AM
To: Block, Molly <block.molly@epa.gov>; Millett, John <Millett.John@epa.gov>
Cc: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Hello,

I just heard back from OP and they do not believe that the FRN will be signed by 10:00 am.

Thanks,

Angela

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 14, 2020 9:35 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Millett, John <Millett.John@epa.gov>
Cc: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Cory, Preston

<Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Are we all set to go at 10:00 AM?

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 9:02 AM
To: Millett, John <Millett.John@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: Re: Phosphogypsum at 10 am today

I am still waiting on the FRN. I will keep folks posted.

Thanks,

Angela

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

On Oct 14, 2020, at 9:00 AM, Millett, John <Millett.John@epa.gov> wrote:

Excellent – thanks!

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 8:56 AM
To: Millett, John <Millett.John@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Hello,

Please see the signed letter attached. I will wait to put the letter into the mail until after the release goes out.

Thanks,

Angela

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 8:52 AM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: Phosphogypsum at 10 am today

Updated the subject line. Adding Angela, Ann and John S. Will we know that the action has been signed in time to post by 10? It'd be good to know that it's signed by at least 9:30.

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 14, 2020 8:35 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Let's do 10:00 AM.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:21 AM
To: Block, Molly <block.molly@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

I'll have RPD publish updated web as soon as they're able. Would you like the signed letter published too?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, October 13, 2020 4:11 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Approved below:

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

<image001.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta

<Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

That's helpful, thanks. I don't know when CSAPR will be signed on Thursday. Would there be a conflict with that announcement going out the same afternoon?

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Finally, regarding E15, I am still waiting on some comments from OLEM but hope to have materials to you all very soon.

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Isabel, I think Fuels Streamlining is going to go out at 2:00 pm on Thursday.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Hi Molly,
We are hearing that signature for the CSAPR is expected on Thursday. We also have Fuels Streamlining happening that day. Do we have a target time for the Streamlining announcement? Would it work to plan for a CSAPR announcement later in the day (to give time to ensure signature and get things teed up for posting)?

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Good afternoon,

Attached is the PR, factsheet, Q&A, and comms plan for the CSAPR update.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/6/2020 7:30:42 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Lee is right that it did not come from Jon E. I have heard that this particular quote was added by Preston.

I believe Walsh has put forth a clarified statement to Kati. Walsh proposes:

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 6, 2020 3:27 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

I think that these changes are from OPA/OA, not Jon Edwards. He would not have made a change without advising us.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 06, 2020 3:26 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Stef:

Did Jon E. give any reason for changing the quote in the press release (I am assuming he made the change)? As a reminder, this was the quote that went up to him:

Ex. 5 Deliberative Process (DP)

This might be preferred to the removal of the offending phrase in the current version.

Dan

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 3:14 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Sorry, Stef, I replied directly to Kati before I saw this email. I suggested deleting the phrase Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 3:01 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

I have heard from Kati that if there is a technical inaccuracy that needs to be clarified that we do have the opportunity to put forth an edit.

Can the technical team please provide me with a revised statement that I can pass forward?

Thanks!
Stefanie

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 6, 2020 2:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations

202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/6/2020 7:27:25 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

No worries! Thank you for replying directly to Kati and keeping me looped in that way. I would much prefer that she gets the information that she needs as quickly as we have it available ☺

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 6, 2020 3:14 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
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To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

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Thanks!
Stefanie

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To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jon

Jonathan P. Walsh, CHP
Physical Scientist
U.S. EPA, Radiation Protection Division
Center for Waste Management and Regulations
202-343-9238
202-841-9880 (mobile)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 06, 2020 2:05 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; OAR-ORIA-RPD-CWMR <OARORIARPDCWMR@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI: Passing these edits to the press release along to the team.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/15/2020 2:37:39 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

Thank you Kati,

Tony is working to make some web-related updates and changes and will be in touch soon! I think we have it all covered, but if he needs any help I'm sure he will reach out.

Thanks again!
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Thursday, October 15, 2020 10:32 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

If you need any help publishing the letter or any other web stuff, let me know. Am happy to help.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Thursday, October 15, 2020 9:12 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

The deadline for the E&E inquiry is 11, and we're shooting to meet that. We'll try to get you the Politico answers then too, but we need to get OGC input on those answers, so it may take more time. I'll let you know.

Tony

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Thursday, October 15, 2020 9:08 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

It was me. I think I misunderstood Enesta. But can I get an ETA on responses to the two reporter queries from yesterday?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, October 15, 2020 9:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

Kati,

This looks identical to the E&E request from yesterday. Is it true that the Center for Biological Diversity had the same questions, or did something get mixed up?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Thursday, October 15, 2020 8:09 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Administrator digitally signed: The Fertilizer Institute (TFI) Phosphogypsum Letter & FR Notice

Here's a new one.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Center for Biological Diversity just sent this. Can you comment on this today?

There are no hearings or comment period for this right? There is no rulemaking or permit review, right?

I tried finding the docket for it but could not. Has there been any comment in opposition to the petition? How could I access that?

Is there a process for challenging the announcement or requesting a hearing, or rulemaking?

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?
2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me?

3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/6/2020 7:05:49 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

I am working to get clarification now.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 3:02 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 6, 2020 2:57 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 2:55 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Ex. 5 Deliberative Process (DP)

Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 6, 2020 2:52 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Kati,

I have a question on the edits made to the press release. Are there any opportunities to edit the PR based on comments

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
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From: Dominguez, Alexander <dominguez.alexander@epa.gov>
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Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 8/20/2020 4:29:21 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
CC: Rustick, Joseph [rustick.joseph@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Introduction
Attachments: TFI Communications Plan.docx

All: I'm happy to lend the draft comms plan for some plain language on TFI, expected approval actions, and background related text. Please let me know if the attached is sufficient or if there is any other support that I can lend. Note that highlighted sections in the attached will need to be reviewed to ensure consistency between the comms plan, FR, and letter coming from Anne.

I hope this is helpful,
Stefanie

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, August 20, 2020 12:04 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction

Jon,

+Jess and Rick

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, August 20, 2020 9:56 AM

To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: Introduction

Lee,

Glad you asked. Ray Lee currently has the pen to help me fill in the routine sections, but I was going to check with Tom and Dan about the content.

Ex. 5 Deliberative Process (DP)

Jon

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, August 20, 2020 9:47 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: FW: Introduction

FYI

Jon – when you have a moment, please share the draft FR. I understand that you won't be done until Friday, but with your vacation next week, I'd like to see something before COB Friday in case I have questions or need info.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Veal, Lee
Sent: Thursday, August 20, 2020 9:37 AM
To: Belser, Evan <Belser.Evan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: Introduction

Hi Evan,

I'd like to introduce myself to you and seek a quick consultation.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Would you like to have a conversation about this action?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/3/2020 8:58:39 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]
CC: Hellberg, Dennis [Hellberg.Dennis@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Boyd, Mike [Boyd.Mike@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Thanks Jon,

I appreciate that you chimed in on this question to bring it back to the editing phase. What we were trying to do initially was to re-write the response in plain language. Would you and/or Dan be available to discuss the answer this afternoon so that I can get it finalized?

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, November 3, 2020 3:35 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 3:17 PM

To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Edits to #7 are below.

Lee et. al, please let me know if you have any additional comments related to #6 or #7. If there are no changes please also let me know so that I can close out this request with OAR Comms.

Thanks to everyone!
Stefanie

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 3:02 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Ex. 5 Deliberative Process (DP)

Minor edit to #4.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, November 03, 2020 2:47 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi,

While Stef is working on #7, I have a question on #6 and a suggest change to #4 for clarity.
See below:

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 2:22 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Apologies, there will be a small adjustment to #7. Let me get back to you.

From: Bacon, Stefanie
Sent: Tuesday, November 3, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Lee,

The technical team has prepared the following responses to The Sun's media inquiry below. While there is not a fixed deadline to provide comment. Kati expects the reporter will be writing an article tomorrow, so we hope to provide our response this afternoon. Please let me know if you suggest any changes or modification to the responses below.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/27/2020 7:09:14 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today

FYI: The Washington Examiner has already published their article on PG (as of about 2 hours ago), and I imagine they will be updating the text based on our comments. https://www.washingtonexaminer.com/news/epa-approves-use-of-radioactive-fertilizer-byproduct-in-roads

---

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 27, 2020 3:08 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today

Hi Tony,

Here are a few additions:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today
Importance: High

Dear Lee:

We got another inquiry on the TFI approval, this time from the Washington Examiner. Please review CWMR's answer below, make any desired changes, and let me know if I can forward to OAR Comms. Deadline is 5 PM today, and you know you are welcome to call with questions.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 27, 2020 12:15 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

Hello! Is this deadline doable (i.e., 5:30 for me)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: Media Inquiry: Washington Examiner re phosphogypsum

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?
2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?
3. How common is phosphogypsum use in roads in other countries?

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/9/2020 11:57:27 AM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: TFI Communications Plan

Thanks! This all makes sense to me ☺ I accepted the changes and will push it forward to the technical team.

Thank you for reviewing!

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 9, 2020 7:17 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Stefanie - see my suggested edits attached. Then feel free to run it by the technical team and Tom and Dan. Call if you want to discuss.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 8, 2020 4:46 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Hi Jess,

Thank you for reviewing the PR. I've attached some changes, and I wanted to know what you think. Please make any additional comments or revisions and send me back a copy you are comfortable with.

I presume that the next steps are to circulate this to Joe/Jon/Tom & Dan?

Thanks,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Friday, September 4, 2020 1:55 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

First thing tomorrow morning, didn't quite happen. I think the language needed some simplification. Feel free to edit and push back.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Thursday, September 3, 2020 5:41 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Got it, Stefanie.

Ex. 5 Deliberative Process (DP)

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, September 3, 2020 3:31 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Jess,

Attached is a draft of the press release that I mocked based on your template. When I spoke with Tony today, and he had suggested that I leave a placeholder for a quote, and that OPA could fill this in at a later time. Please let me know what you think. I have not run this through a technical review yet, but since all of the material came from the comms plan, I do not expect any big concerns. I will run it through a technical review after I get your feedback.

As far as an update on the comms plan – Joe and I have incorporated Lee's comments and sent the document to Tom for

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 3:05 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Attached is the press release we proposed when the EPA/NRC MOU was signed.
This was the actual press release - https://www.epa.gov/newsreleases/step-strengthen-us-uranium-mining-industry-epa-administrator-wheeler-signs-important

Ex. 5 Deliberative Process (DP)

Is that helpful?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 2:56 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 2:54 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Do you need help with this?

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:00 AM

To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI Communications Plan

FYI: I am passing along the message that OPA plans to publish a press release for the TFI Action.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

I wanted to provide an update on our draft (but nearly final) communications plan for The Fertilizer Institute (TFI). As a reminder, this communications plan relates to Agency action on The Fertilizer Institute (TFI)'s application for alternative

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,

Stefanie

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/3/2020 8:49:59 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Thank you Charles,

I will pass along the edits for #6. We are working on the response to #7 now, this question will likely require some re-writing.

Thank you again for reviewing.
Stefanie

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, November 3, 2020 3:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Stefanie:

Ex. 5 Deliberative Process (DP)

Please feel free to call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 2:17 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Charles,

We received a media request from The Sun today, and Dan suggested that I pass our proposed responses through you. Please let me know soon if there are any show-stopping concerns.

Thank you,
Stefanie

From: Bacon, Stefanie
Sent: Tuesday, November 3, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule
Importance: High

Lee,

The technical team has prepared the following responses to The Sun's media inquiry below. While there is not a fixed deadline to provide comment. Kati expects the reporter will be writing an article tomorrow, so we hope to provide our response this afternoon. Please let me know if you suggest any changes or modification to the responses below.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 2, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/8/2020 8:46:22 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: TFI Communications Plan
Attachments: TFI Press Release jw.docx

Hi Jess,

Thank you for reviewing the PR. I've attached some changes, and I wanted to know what you think. Please make any additional comments or revisions and send me back a copy you are comfortable with.

I presume that the next steps are to circulate this to Joe/Jon/Tom & Dan?

Thanks,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Friday, September 4, 2020 1:55 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

First thing tomorrow morning, didn't quite happen. I think the language needed some simplification. Feel free to edit and push back.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Thursday, September 3, 2020 5:41 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Got it, Stefanie.

I will review it first thing in the morning. I think we may want to consider which FAQs belong in a separate document for internal ORIA use if needed.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency

Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, September 3, 2020 3:31 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Jess,

Attached is a draft of the press release that I mocked based on your template. When I spoke with Tony today, and he had suggested that I leave a placeholder for a quote, and that OPA could fill this in at a later time. Please let me know what you think. I have not run this through a technical review yet, but since all of the material came from the comms plan, I do not expect any big concerns. I will run it through a technical review after I get your feedback.

As far as an update on the comms plan – Joe and I have incorporated Lee's comments and sent the document to Tom for

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 3:05 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Attached is the press release we proposed when the EPA/NRC MOU was signed.
This was the actual press release - https://www.epa.gov/newsreleases/step-strengthen-us-uranium-mining-industry-epa-administrator-wheeler-signs-important

Ex. 5 Deliberative Process (DP)

Is that helpful?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 2:56 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 2:54 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Do you need help with this?

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:00 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI Communications Plan

FYI: I am passing along the message that OPA plans to publish a press release for the TFI Action.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation

Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

I wanted to provide an update on our draft (but nearly final) communications plan for The Fertilizer Institute (TFI). As a reminder, this communications plan relates to Agency action on The Fertilizer Institute (TFI)'s application for alternative

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,
Stefanie

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/6/2020 6:05:51 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Thank you Kati! I have passed these along internally to our team as well. Thank you very much for keeping us in the loop. I expect that we'll continue to learn more as we move closer to signature of the letter.

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 6, 2020 1:39 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

And just FYI there were further edits, which I was not included on, so…

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Dominguez, Alexander <dominguez.alexander@epa.gov>
Sent: Tuesday, October 6, 2020 1:32 PM
To: Block, Molly <block.molly@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: Phosphogypsum Press Release - Revised

Molly – Per request, please see revised phosphogypsum/ Fertilizer Institute press release attached (RLSO and clean). This has been reviewed by Anne.

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/29/2020 9:00:29 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: FW: The Fertilizer Institute | Final Comms Plan & Press Release
Attachments: TFI response-Press Release_09 29 20.docx

FYI, the TFI press release with IO edits is attached. The press release is with OPA now. Kati stressed that OPA may make additional edits during their review.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 29, 2020 8:24 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Thank you for the update Kati ☺

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 29, 2020 8:04 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Nothing yet. I will check in with the IO again by the end of the day if I don't hear anything. It's their thing at this point and their responsibility to let us know when they want the web materials published, though, so don't sweat it too much. ☺

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, September 28, 2020 8:40 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Hi Kati,

I didn't want to forget to check-in on this today. Have you heard any updates regarding OPA and IO's preference for publishing our TFI web content and when the press release will go out?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, September 25, 2020 9:10 AM
To: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Okay, great. I'll find out what OPA and IO's preference is on web pub and PR when I hear back then.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Millett, John <Millett.John@epa.gov>
Sent: Friday, September 25, 2020 9:04 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Yes – as soon as next week. **Ex. 5 Deliberative Process (DP)**

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Friday, September 25, 2020 9:02 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Adding John – I believe he heard that the letter was being routed for signature by the Administrator next week. Is that right, John?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, September 25, 2020 8:53 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Hi,
I sent the comms plan to the OAR IO yesterday. I'm CC-ing Isabel here as I think I missed the timing discussion on TFI during our comms meeting yesterday – playing catch-up the day after time off always means failed multi-tasking! Isabel, did they mention timing?

Otherwise, when I get the information back from the IO, I'll ask these questions and/or coordinate with OPA.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Friday, September 25, 2020 8:49 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: The Fertilizer Institute | Final Comms Plan & Press Release

Good morning Kati,

I hope you had a nice few days out of the office. Welcome back ☺

I wanted to follow up on the comms materials that I sent Wednesday and ask some questions about next steps.

Ex. 5 Deliberative Process (DP)

Thank you!
Stefanie

From: Bacon, Stefanie
Sent: Wednesday, September 23, 2020 1:17 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: The Fertilizer Institute | Final Comms Plan & Press Release

Good afternoon,

Attached is the final TFI comms plan and press release. While we are considering the documents final, my management did want me to communicate that the documents still could be subject to change while we work to obtain Administrator Wheeler's signature on the approval letter.

Please note that these documents have been reviewed by RPD and ORIA management, as well as OGC. Also note that there are several placeholders in the comms plan that will need to be finalized once the Administrator issues the approval letter.

I also want to remind everyone on this email chain that TFI's representative informed RPD that they do not intend to issue a press release immediately, maybe when they get a project it will be appropriate. If/when EPA plans to issue a press release, could you please let me know so that I can inform my management?

Please let me know if you have any questions.

Thank you,
Stefanie

Stefanie Gera Bacon
U.S. Environmental Protection Agency
Radiation Protection Division
Center for Radiation Information and Outreach
(202) 343-9063 | Bacon.Stefanie@epa.gov

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/16/2020 5:53:13 PM
To: Nagata, Jonathan [Nagata.Jonathan@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

This is very cool Jon! Thanks for pro-actively looking at this ☺

From: Nagata, Jonathan <Nagata.Jonathan@epa.gov>
Sent: Friday, October 16, 2020 12:58 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Matakas, Lauren <matakas.lauren@epa.gov>
Subject: Re: Phosphogypsum Press Release - Revised

All,

I was interested to know if people were noticing the Administrator's press release. I noted two news stories (links below) and also pulled some web metrics (attached). If you were on the Web Analytics Report briefing, you'll know that we can see how many people visit EPA web pages, where those visitors are from, how long they spend on the page, and other metrics. While only a few days worth of data, you may still find it interesting. I'm happy to run the report again as time goes on.

Have a nice weekend,
-Jon

EPA approves use of radioactive phosphogypsum in roads, reversing long-held policy (Tampa Bay Times)

EPA allows use of radioactive material in some road construction (The Hill)

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Wednesday, October 14, 2020 12:05 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Lee,

For sure. I'm out on leave this week (and compressed on Friday), but will keep an eye out for the publication. I've already put in an inquiry with OFR, though we are supposed to get an automated e-mail once they know the pub. date.

I'll pass on any info once I receive it.

Thanks and congrats all!

Ray

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:03 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Good morning Stef,

Thank you for tracking this action.

Ray L,

Could you please keep an eye out for the Federal Register package? Maybe it would be possible to find out when it might be published as well? I'm sure that you have already thought this out and have a plan.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI – looks like today is the day for the Administrator to sign the letter.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:37 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It's looking like a 10am release, FYI.

Kati Stevens

Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/3/2020 6:19:57 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: Stuenkel, David [Stuenkel.David@epa.gov]; Boyd, Mike [Boyd.Mike@epa.gov]
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

+Jessica

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 1:16 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I think these look good. Just a couple of suggested edits/additions.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, November 03, 2020 12:40 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Boyd, Mike <Boyd.Mike@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Here are today's draft answers. Mike – could you take a 30 second look at question 1, since it strays into CST territory?

Thanks.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:49 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

There wasn't a firm deadline provided, but Kati said that they were looking to write the story tomorrow. So my goal was to get our responses approved and out by mid afternoon today. Is that reasonable?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

I've asked Jon if he is able to do it. He starts at 9 on Tuesdays, but these should not take a lot of time. Have you heard anything more on a deadline?

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:27 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Who is taking point on drafting the answers? Do you think it is reasonable to make some progress on the draft answers by 11?

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:05 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

These look pretty straightforward. Copying others who will be involved/should be aware.

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 02, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/3/2020 7:31:34 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: TFI Communications Plan
Attachments: TFI Press Release.docx

Jess,

Attached is a draft of the press release that I mocked based on your template. When I spoke with Tony today, and he had suggested that I leave a placeholder for a quote, and that OPA could fill this in at a later time. Please let me know what you think. I have not run this through a technical review yet, but since all of the material came from the comms plan, I do not expect any big concerns. I will run it through a technical review after I get your feedback.

As far as an update on the comms plan – Joe and I have incorporated Lee's comments and sent the document to Tom for

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 3:05 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Attached is the press release we proposed when the EPA/NRC MOU was signed.
This was the actual press release - https://www.epa.gov/newsreleases/step-strengthen-us-uranium-mining-industry-epa-administrator-wheeler-signs-important

Ex. 5 Deliberative Process (DP)

Is that helpful?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 2:56 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI Communications Plan

Ex. 5 Deliberative Process (DP)

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Wednesday, September 2, 2020 2:54 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: TFI Communications Plan

Do you need help with this?

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, September 2, 2020 11:00 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI Communications Plan

FYI: I am passing along the message that OPA plans to publish a press release for the TFI Action.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 12:45 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi,

Ex. 5 Deliberative Process (DP)

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Stevens, Katherine
Sent: Tuesday, September 1, 2020 8:19 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Don't sweat it at all. It's mostly a version control thing, but that's kind of a losing battle with OPA anyway.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, September 1, 2020 8:11 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: TFI Communications Plan

Thanks Kati,

Good morning Kati!

I'm very sorry. I didn't mean to complicate things by sending it to Enesta. Unfortunately I was trying to let everyone know about the press release, and at the time it seemed easier to include her in the email, but next time I'll send two separate emails. Thinking about it now, that probably would have been simpler…

Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, September 1, 2020 8:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: TFI Communications Plan

Hi, Stefanie,

Thanks so much for this. Usually, it's best to just send to me (and if you want to copy John Millett and Isabel Deluca, that's fine) and then we share with OPA after we finalize with you guys.

Also attached is the template OPA likes for their comms plans for future reference.

I attached some web notes/edits.

Thanks,
Kati

Kati Stevens

Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, August 31, 2020 3:04 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: TFI Communications Plan

Good afternoon Kati and Enesta,

I wanted to provide an update on our draft (but nearly final) communications plan for The Fertilizer Institute (TFI). As a reminder, this communications plan relates to Agency action on The Fertilizer Institute (TFI)'s application for alternative

Ex. 5 Deliberative Process (DP)

Attached is a draft copy of the communications plan that the RPD and ORIA management are currently reviewing. I wanted you to have this advance copy of the communications plan so that you knew what we were working on. I will provide another update once the plan has been finalized internally.

Also, we also heard that TFI does not intend to do a press release for a while, maybe when they get a project it will be appropriate. We thought this would be important for you to know.

Please let me know if you have any questions,
Stefanie

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/24/2020 1:13:24 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Outcome of TFI briefing with the Administrator

Thank you for the update Tom!

Ex. 5 Deliberative Process (DP)

Thanks again for keeping me aware of the timeline, it is very helpful!
Stefanie

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, September 24, 2020 9:05 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Outcome of TFI briefing with the Administrator

Stefanie,

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, September 24, 2020 9:00 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Outcome of TFI briefing with the Administrator

Thank you for the update Tom,

Do we know anything more about the timeframe? How long from when it goes into CMS will it take for signature? Could it be as immediate as today?

Thanks,
Stefanie

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, September 24, 2020 8:19 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>

Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Outcome of TFI briefing with the Administrator

All,

Ex. 5 Deliberative Process (DP)

Jon was going to sign the action memo so Patricia could get the package into CMS today.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 9/24/2020 1:00:38 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: FW: Outcome of TFI briefing with the Administrator

Wanted you to be aware of the outcome from yesterday's TFI briefing with the Administrator.

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, September 24, 2020 8:19 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Outcome of TFI briefing with the Administrator

All,

Ex. 5 Deliberative Process (DP)

Jon was going to sign the action memo so Patricia could get the package into CMS today.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 8/12/2020 1:10:13 AM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: For Review | Draft Subpart R (TFI) Webpage Language
Attachments: TFI draft website_8-11-20.docx

Jess,

Attached is the draft Subpart R webpage language I am proposing. This includes a small section related to the TFI application. Joe has reviewed the draft and had minimal comments. I did not hear back from Jon today.

Also, I wouldn't be surprised if the draft webpage language is discussed during tomorrow's technical team meeting; but there shouldn't be much time to go into the webpage in detail since there are much larger issues to address - namely, the FAQs and FR.

Please let me know if you have any questions, and as always, I would appreciate any comments that you have on the draft webpage.

Thanks!
Stefanie

-----Original Message-----
From: Bacon, Stefanie
Sent: Tuesday, August 11, 2020 10:20 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: TFI--Anne has the draft letter

Jess,

Thanks for touching base. Here's where I stand with TFI. Support needed from you is noted below.

Ex. 5 Deliberative Process (DP)

-----Original Message-----
From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, August 11, 2020 10:13 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: TFI--Anne has the draft letter

Can you both - drop me a note letting me know what actions you are currently taking of TFI. I just want to be able to report out accurately to Rick at my general tomorrow.

Ray - I just called to make sure you have everything you need (including someone working with you) on the TFI FR.

Stefanie - Is there anything you need from me?

Jess
Jessica Wieder
Director, Center for Radiation Information and Outreach U.S. Environmental Protection Agency Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

-----Original Message-----

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, August 11, 2020 9:16 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: TFI--Anne has the draft letter

FYI,

Ex. 5 DPP/ACC

Thanks!

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

-----Original Message-----
From: Peake, Tom
Sent: Monday, August 10, 2020 1:20 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: TFI

Ex. 5 DPP/ACC

Ex. 5 Attorney Client (AC)

I am on leave this afternoon. Dan will be in.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

-----Original Message-----
From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, August 10, 2020 11:22 AM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; White, Rick <White.Rick@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: TFI

Hi Jon,

Tom is going to send a draft file to this email distribution. He's also connecting with Charles to see when he plans to brief Adam.
This draft is still draft, but it touches on all points I suspect.
Lee

Sent from my iPhone

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 10/7/2020 3:02:06 PM
To: Veal, Lee [Veal.Lee@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

Thank you for the feedback! I've let Kati know ☺

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 7, 2020 11:00 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Stef,

This language looks accurate to me as well. Thank you.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 07, 2020 10:45 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Jon and David (and others),

Ex. 5 Deliberative Process (DP)

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/16/2020 2:27:19 PM
To: Hellberg, Dennis [Hellberg.Dennis@epa.gov]
Subject: FW: Media Inquiry— phosphogypsum
Attachments: Media Inquiry_B Fortis_11-13-20_v2.docx

From: Bacon, Stefanie
Sent: Friday, November 13, 2020 4:44 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Kati,

Attached please find the approved responses to Ms. Fortis' questions.

Thank you,
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:

Hi Enesta,

Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.

Thank you,
Bianca

Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?

Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

How does the review process for these petitions work?

Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

Has there been any evaluation of the heavy metals contained within the phosphogypsum?

How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

1. **Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?**

   The policy for submitting and reviewing a request has not changed. The policy, which is actually a regulatory provision contained in 40 CFR §61.206 that outlines how the EPA can approve, or not, a request for an alternative use of phosphogypsum was published in 1992. The EPA approved a request made by The Fertilizer Institute under 40 CFR §61.206. This section of the regulation describes a process for the parties to request, and the EPA to consider, and approve if appropriate, other use of phosphogypsum that are not specifically permitted by 40 CFR part 61, Subpart R.

   In 1992, EPA analyzed the use of phosphogypsum in road construction and determined that while the risks to road construction workers and members of the public using the road and living near the road were likely acceptable, the potential risks to a future resident, referred to as a reclaimer, living in a home built on the site of an abandoned road were unacceptably high. The 2020 approval allows for the use of phosphogypsum in road construction, but not for unrestricted use of a road site in the future. The 2020 approval states "Roads constructed with PG may not be abandoned (or otherwise permanently cease to be used as a road) and used for other non-road purposes or uses, including the construction of structures on such former roads."

   Also, as a condition of this approval, records are required to be generated and maintained, and made publicly available.

2. **Why was the Fertilizer Institute's request revised in April?**

   The Fertilizer Institute's (TFI) revised request clarified the type of road projects considered eligible for the use of phosphogypsum. On October 15, 2019, TFI submitted its initial "Request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 C.F.R. § 61.206," requesting that EPA approve the use of phosphogypsum in road construction. Subsequently, on April 8, 2020, TFI submitted, on behalf of its members that own or operate phosphogypsum stacks, a revised request: "Revised Request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 C.F.R. § 61.206: Use in Road Construction Projects Authorized by Federal, State and Local Departments of Transportation or Public Works".

   The documents "Request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 C.F.R. § 61.206" and "Revised Request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 C.F.R. § 61.206: Use in Road Construction Projects Authorized by Federal, State and Local Departments of Transportation or Public Work" can be found can be found on Regulations.gov at Docket No. EPA-HQ-OAR-2020-0442: [HYPERLINK "https://www.regulations.gov/docket?D=EPA-HQ-OAR-2020-0442"].

3. **When does the new policy change take effect?**

   The EPA's approval was effective on October 14, 2020.

4. **How does the review process for these petitions work?**

   A request must contain the information included in § 61.206(b). Supporting documentation may then be reviewed by EPA to substantiate the risk analysis and assumptions included in the analysis. To be approved, per § 61.206(c) a petition must demonstrate that the proposed use is at least as protective of public health as leaving the phosphogypsum in the stack.

5. **Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?**

   Historically, the EPA has relied on studies indicating that radium-226 concentrations in phosphogypsum in the United States range from 0.4 - 1.3 Becquerels per gram (Bq/g) (11 - 35 pCi/g). As part of the documentation included with their request, TFI submitted an additional analysis titled "Supplement to The October 11, 2019 TFI Phosphogypsum Reuse Petition: 2019 Radium-226 Results for U.S. Phosphogypsum Stacks", dated December 5, 2019. An analysis of 90 samples showed radium-226 concentrations ranging from 0.22 Bq/g to 1.03 Bq/g (6.3 - 27.9 pCi/g), with an average value of 0.73 Bq/g (19.6 pCi/g) for the six stacks sampled in Central Florida.

   The document "Supplement to The October 11, 2019 TFI Phosphogypsum Reuse Petition: 2019 Radium-226 Results for U.S. Phosphogypsum Stacks" can be found can be found on Regulations.gov at Docket No. EPA-HQ-OAR-2020-0442: [HYPERLINK "https://www.regulations.gov/docket?D=EPA-HQ-OAR-2020-0442"].

6. **Has there been any evaluation of the heavy metals contained within the phosphogypsum?**

   As part of the documentation included with their request, TFI provided a technical memorandum, "Human Health Risk Screening for Metals and Metalloids: Phosphogypsum in Road Construction" as Appendix 3 to its request (Exponent 2019). The EPA's basis for the regulation of phosphogypsum under the Clean Air Act, and therefore for the current decision, is radiological risk. The management and use of industrial wastes are typically regulated by state environmental agencies, and these agencies are expected to play a role in the approval of any specific road project, which will likely include consideration of heavy metals in phosphogypsum.

   The document "Human Health Risk Screening for Metals and Metalloids: Phosphogypsum in Road Construction" can be found can be found on Regulations.gov at Docket No. EPA-HQ-OAR-2020-0442: [HYPERLINK "https://www.regulations.gov/docket?D=EPA-HQ-OAR-2020-0442"].

7. **How will the EPA monitor roads that use phosphogypsum?**

   As a condition of the approval, the EPA has required that complete information pertaining to any road to be constructed using phosphogypsum be submitted to the EPA prior to the start of construction. As a separate condition, records relevant to the use of phosphogypsum and required by the regulation must be maintained for the life of the

road, and at any time EPA and/or the delegated State Agency can review the records and observe the actual construction process.

8. **Where are there phosphogypsum stacks besides Florida?**

   EPA has records indicating phosphogypsum stacks in the following states: Florida, North Carolina, Mississippi, Idaho, Illinois, Montana, Arkansas, Louisiana, Texas, Iowa, Missouri, Wyoming, and Utah.

9. **If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?**

   By granting the approved use, the EPA authorizes state and local governments the opportunity to investigate whether the use of phosphogypsum in road projects would be appropriate in their jurisdictions. The EPA plays no direct role in any sale of phosphogypsum and does not provide any mechanism for any potential sales to take place. As a condition of the approval, the EPA requires that complete records be maintained of any transfer of phosphogypsum from the stack for road use.

10. **Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?**

    As part of the terms and conditions for approval, prior to use of phosphogypsum in a road project, the responsible government agency shall provide public notice that the planned road will use phosphogypsum. This may occur as part of public outreach processes associated with the road project and must include an opportunity for the public to review road plans and risk assessment material. Additionally, the EPA has required that workers involved in road construction shall be informed that phosphogypsum contains elevated levels of naturally occurring radionuclides, and be instructed in proper industrial hygiene.

11. **The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?**

    In 1992, EPA analyzed the use of phosphogypsum in road construction and determined that while the risks to road construction workers and members of the public using the road and living near the road were likely acceptable, the potential risks to a future resident, referred to as a reclaimer, living in a home built on the site of an abandoned road were unacceptably high. For this reason, EPA did not provide a categorical approval for use in roads, as it did for the use of phosphogypsum in agriculture in 40 CFR 61.204 and research and development in 40 CFR 61.205.

    The 1992 rule provided a process to request approval of other uses of phosphogypsum, including road construction. After considering the request by The Fertilizer Institute, the Agency believes its concerns regarding future use of the road site can be addressed by appropriate terms and conditions. This approval allows for the use of phosphogypsum in road construction, but not for unrestricted use of a road site in the future. As conditions

of this approval, records are required to be generated and maintained which would inform the consideration of the risks to the public, should the road become disused and the site proposed for use for any purpose other than a road.

12. What other petitions related to the use of phosphogypsum have there been since 1989?

EPA has evaluated a few applications over the years; however, none have been approved for a variety of reasons. The two most recent requests are summarized below.

The request that came closest to a final approval was a request by the Florida Institute of Phosphate Research (FIPR) (now the Florida Industrial and Phosphate Research Institute) to use phosphogypsum as daily landfill cover in Brevard County, Florida. FIPR submitted an initial request in early 2003, and a revised request in December 2003. EPA proposed to approve the request for FIPR to conduct a test project by December 2005, and a public comment period ended in February 2005. In May of 2005 the county withdrew from the project because of competing priorities at the landfill.

In March 2005, a research group from Louisiana State University presented the EPA with a concept to incorporate phosphogypsum in erosion control barriers. This resulted in correspondence and preliminary reviews, but not a decision.

13. What's the amount of phosphogypsum that is contained in stacks right now?

In TFI's Revised Request, Appendix 6, an economic report prepared by the Policy Navigation Group for TFI stated that as of 2019, there are approximately 734 million tons of phosphogypsum stored in stacks across the United States, with 517 million tons in active stacks and 217 million tons in inactive stacks. The economic report indicates that each stack contains around 69 million tons of phosphogypsum.

Appendix 6 can be found can be found on Regulations.gov at Docket No. EPA-HQ-OAR-2020-0442: [HYPERLINK "https://www.regulations.gov/docket?D=EPA-HQ-OAR-2020-0442"].

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/13/2020 9:41:40 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: For Review: Media Inquiry— phosphogypsum

Thank you Lee.

I agree with your comments and have accepted them into the final document. I will get the approved answers to Kati now.

Thanks to everyone who helped draft or finalize these responses!
Stefanie

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, November 13, 2020 2:21 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: For Review: Media Inquiry— phosphogypsum

HI,

A few comments and edits for you.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Friday, November 13, 2020 10:45 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: For Review: Media Inquiry— phosphogypsum

Good morning Lee,

Attached please find a set of draft responses for a recent media inquiry. Much of the text came from the approved communications plan. There was also text that I pulled from the RPD internal Q&A. The attached has been reviewed and approved by Jon and Jess. The deadline for a final response is Thursday, 11/19.

Also note that Kati Stevens has mentioned that this reporter is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know if you have any questions.

Thanks!
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

> On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:
>
> Hi Enesta,
>
> Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial

1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.

Thank you,
Bianca

Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?

Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

How does the review process for these petitions work?

Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

Has there been any evaluation of the heavy metals contained within the phosphogypsum?

How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/13/2020 2:31:42 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Media Inquiry— phosphogypsum

Thank you Jon!

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, November 12, 2020 2:35 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Here is my draft.

- Jon

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, November 12, 2020 2:24 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

It looks pretty good to me. I did see one typo. I defer to Jon on his review.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, November 12, 2020 2:14 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Thank you.

Jon: could you please review the attached for technical accuracy (and also add any additional content that you feel would answer the questions!).

Tom/Dan: do you plan to review the media inquiry after Jon has reviewed, or can I send to Jess/Lee after I hear back from Jon?

Thanks,
Stefanie

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, November 12, 2020 8:50 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>

Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Stef,
Thanks for taking the first crack at these. If you need any support, please coordinate with Jon W. Note that he is out Friday.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, November 10, 2020 12:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

We should reply in writing. Our previous responses are on the G Drive at:

G:\CRIO\!Correspondence, FOIAs, Press and Public Questions\Press Inquiries\Phosphogypsum-TFI

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 10, 2020 10:22 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Don't they know 13 is an unlucky number? I think we try to respond in writing. If we had a phone call, we would want to draft responses first anyway. These all look fairly straightforward, and we already have answers for most of them.

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 10, 2020 10:16 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Dan,

We received 13 new questions from a media inquiry. Kati has given us the option to respond in writing or on a call. Which do you prefer? The list of questions is pasted below, and the deadline for responding is next Thursday.

Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

How does the review process for these petitions work?

Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

Has there been any evaluation of the heavy metals contained within the phosphogypsum?

How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

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Subject: Re: Media Inquiry— phosphogypsum

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Stefanie - can you pull from the Q&A to get a start on these?

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Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

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Please let me know how you would like to respond.

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Senior Advisor
Office of the Administrator
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Office: 202.566.2977
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Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/13/2020 2:30:07 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: RE: Media Inquiry— phosphogypsum
Attachments: Media Inquiry_B Fortis_11-13-20.docx

Jess,

I agreed with your comments and have incorporated the suggested edits. Please see attached. If you are okay with this moving forward, please let me know and I can send it to Lee.

Thank you!
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Friday, November 13, 2020 8:47 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Hi Stefanie - This looks excellent. I have suggested edits to the first answer and a suggestion to add links to the documents (or possibly just to the website or docket, as appropriate).

Give me a call if you want to discuss. Once we are okay with question 1, then we can get it over to Lee for review.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, November 12, 2020 4:13 PM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Jess,

Attached for your review is a clean copy of the B. Fortis media inquiry. Other than a few additional editorial changes, I have reviewed and accepted Jon's comments.

Please let me know if you have any additional feedback or concerns.

Thank you!
Stefanie

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, November 12, 2020 2:35 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

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- Jon

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To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
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Sent: Thursday, November 12, 2020 2:14 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Thank you.

Jon: could you please review the attached for technical accuracy (and also add any additional content that you feel would answer the questions!).

Tom/Dan: do you plan to review the media inquiry after Jon has reviewed, or can I send to Jess/Lee after I hear back from Jon?

Thanks,
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Sent: Thursday, November 12, 2020 8:50 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Stef,
Thanks for taking the first crack at these. If you need any support, please coordinate with Jon W. Note that he is out Friday.

Tom Peake

US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, November 10, 2020 12:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

We should reply in writing. Our previous responses are on the G Drive at:

G:\CRIO\!Correspondence, FOIAs, Press and Public Questions\Press Inquiries\Phosphogypsum-TFI

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 10, 2020 10:22 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

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From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 10, 2020 10:16 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Dan,

We received 13 new questions from a media inquiry. Kati has given us the option to respond in writing or on a call. Which do you prefer? The list of questions is pasted below, and the deadline for responding is next Thursday.

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From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:

Hi Enesta,

Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.

Thank you,
Bianca

Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?

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Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Message

From: Bacon, Stefanie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A11E1BEA77424AA0AE0E2538AFCEF76A-GERA, STEFA]
Sent: 11/10/2020 6:52:46 PM
To: Stevens, Katherine [stevens.katherine@epa.gov]
Subject: RE: Media Inquiry— phosphogypsum

Hi Kati,

I'll get working on the responses. Our technical team declined a phone conversation, so we will provide all written answers.

Thank you,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:13 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

It's the whole list. If y'all would rather have a phone conversation, Enesta can probably arrange that.

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 10, 2020 10:10 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Kati,

To clarify, does she have one question (to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban.) or the full list of 13 questions in the email below? I'm assuming the full list of 13 questions, but I want to make sure that I tackle this correctly.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:06 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Media Inquiry— phosphogypsum

Looks like! So you have some time. ☺

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

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Please let me know how you would like to respond.

Thanks,

Angela

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> Hi Enesta,

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Thank you,
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Angela Hackel
Senior Advisor
Office of the Administrator
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Message

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Sent: 11/10/2020 3:34:21 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry— phosphogypsum

Ok, great. I'll take a look through our Q&A and pull together any appropriate text that we have already prepared. I'll circulate something around after I've done that.

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 10, 2020 10:22 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
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Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
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Angela Hackel
Senior Advisor

Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Discussion on OAR's Draft Approval of The Fertilizer Institute's request for Approval of Additional Uses of Phosphogypsum

Meeting Agenda

September 15, 2020
10 – 11 am

Purpose: To discuss OLEM's identified issues for OAR's consideration regarding OAR's draft approval of The Fertilizer Institute's (TFI) request for Approval of Additional Uses of Phosphogypsum pursuant to 40 C.F.R. § 61.206.

1. Introductions (Caroline Emmerson)

2. Issues for consideration (Caroline Emmerson, overview)

    - Risk Analysis (Jason Mills)

    - Implementation and compliance with approval conditions (Rita Chow)

    - Potential misinterpretation that the OAR approval applies to all EPA laws and regulations (Caroline Emmerson)

    - Agency's interim guidance review process (Tracy Atagi)

3. Summary of Next Steps (Caroline Emmerson)

Appointment

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/25/2020 11:49:29 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]
CC: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]

Subject: General - Use of Phosphogypsum in Road Construction
Location: Microsoft Teams Meeting

Start: 8/26/2020 12:30:00 PM
End: 8/26/2020 1:00:00 PM
Show Time As: Tentative

Caroline and Cheryl,

Setting up a discussion for us.

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 6:11 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Lee,

We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and discussed it with the ORCR/OLEM Division Directors. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)
and respond to questions. Please let me know when you some time to discuss this matter.

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/15/2020 3:02:55 PM
To: Coleman, Cheryl [Coleman.Cheryl@epa.gov]
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning Cheryl,

I found the call and the OLEM overview to be very helpful. Thank you and your team for the time taken to analyze and report the ORCR findings.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Tuesday, September 15, 2020 10:48 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Thank you again for including us. I hope it was helpful.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, September 15, 2020 9:30 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning,

I can do that. I forwarded them yesterday to our team.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, September 15, 2020 9:28 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>

Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning Lee,

Are you going to post the materials I sent you to the meeting invitation?

Thanks,

Caroline

From: Emmerson, Caroline
Sent: Monday, September 14, 2020 3:41 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Lee,

Attached are the agenda for tomorrow's meeting, ORCR's Discussion Paper, and ORCR's suggested edits to the Draft TFI Approval letter. We look forward to talking with you tomorrow.

Thanks,

Caroline

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 9/14/2020 8:06:29 PM
To: Cook, Steven [cook.steven@epa.gov]; ORCR IO [ORCR_IO@epa.gov]
CC: Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]
Subject: Meeting with OAR at 10 am tomorrow on the Draft TFI Approval letter
Attachments: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx; TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits 9 14 2020.docx; OLEM OAR Agenda TFI Petition Approval Sept 15 2020 annotated 337 pm.docx

Good Afternoon All,

Attached are the final materials for tomorrow's meeting with OAR: Agenda, ORCR's Discussion Paper, and ORCR's suggested edits to the Draft TFI Approval letter.

Thanks,

Caroline

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 9/14/2020 2:24:55 PM
To: Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]
CC: Coleman, Cheryl [Coleman.Cheryl@epa.gov]
Subject: FW: FOR REVIEW: Draft Agenda, Updated Draft OAR/OLEM Discussion Paper on TFI Petition Approval, Suggested Edits to OAR Draft Approval letter
Attachments: Draft ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction sdc.docx

Carolyn and Greg,

Please see Steven's comments below and attached. Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) However, he said we can discuss this matter during the Tuesday meeting.

Thanks,

Caroline

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, September 14, 2020 9:39 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>
Subject: RE: FOR REVIEW: Draft Agenda, Updated Draft OAR/OLEM Discussion Paper on TFI Petition Approval, Suggested Edits to OAR Draft Approval letter

All –

Agenda looks good.

On the draft response letter. Ex. 5 Deliberative Process (DP) We can discuss during the Tuesday meeting.

On the briefing paper, my suggested edits are in the attached.

Let me know if you have any questions.

Steven

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Friday, September 11, 2020 6:31 PM
To: Cook, Steven <cook.steven@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Chow, Rita

<Chow.Rita@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>
Subject: FOR REVIEW: Draft Agenda, Updated Draft OAR/OLEM Discussion Paper on TFI Petition Approval, Suggested Edits to OAR Draft Approval letter
Importance: High

Steven, Carolyn and Greg,

In the interest of time, for concurrent review, I am sending you the draft agenda, updated briefing/discussion paper, and track change edits to OAR's draft TFI Petition Approval letter for our meeting with OAR next Tuesday (9/15). We have revised the briefing paper to incorporate the changes we discussed at yesterday afternoon's meeting. MRWMD's comments are reflected in the attached draft. Please note that we are waiting confirmation from PMCAO on one item regarding the suggested language for inclusion in the draft approval letter and briefing paper on the risk analysis gaps.

Please let us know if you have any questions or comments. We will need to send the final meeting materials to OAR by Monday afternoon.

Thanks,

Caroline

Message

From: Mills, Jason [Mills.Jason@epa.gov]
Sent: 9/14/2020 12:51:42 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]
Subject: RE: Sept 11 version of the TFI approval include OGC Sept 8 edits
Attachments: TFI approval letter on AD Letterhead Sept 11 ORCR Draft Comments 6 pm.docx

All,

I apologize for the delay in responding – Friday was my compressed day. In the attached document, I have provided some edits to the language at the end of the letter with comments to explain my thoughts. If there are no concerns with my edits, they can also be carried over to the discussion paper.

Ex. 5 Deliberative Process (DP)

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Friday, September 11, 2020 12:19 PM
To: Atagi, Tracy <Atagi.Tracy@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Subject: FW: Sept 11 version of the TFI approval include OGC Sept 8 edits

Hello all,

I talked with Tom Peake (OAR/ORIA) this morning and he sent me the latest draft approval letter (attached) that is now for the Administrator's signature. I can insert our suggested edits to this letter based on the final version of the briefing paper. Please note that the conditions for approval in the new version have not been changed. Attached is a compare file with the specific changes in redline/strikeout.

Thanks,

Caroline

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Friday, September 11, 2020 10:24 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Sept 11 version of the TFI approval include OGC Sept 8 edits

Hello,
Thank you for the discussion this morning.

Ex. 5 Deliberative Process (DP)

Please edit this version.

Talk to you on Tuesday.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

adn

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Friday, September 11, 2020 11:26 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Subject: RE: For Review: Updated draft OAR/OLEM Discussion Paper on TFI Petition Approval

Thanks, Nicole. Great job on the revisions. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Andy may have additional thoughts, but if PMCAO is okay with the document I would not hold it up for MRWMD's final word.

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Friday, September 11, 2020 10:19 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>
Subject: For Review: Updated draft OAR/OLEM Discussion Paper on TFI Petition Approval
Importance: High

All – please see attached draft agenda and updated briefing/discussion paper for your review. Thank you to Rita and Caroline for providing input to reflect the discussion yesterday. **MRWMD and PMCAO** - Please let the group know once you're done with reviewing so RCSD can send forward to Carolyn and Greg – ideally we can get this up to them today so Steven can review and we can send to OAR Monday. Thanks again!

Nicole

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 9/11/2020 10:30:34 PM
To: Cook, Steven [cook.steven@epa.gov]; ORCR IO [ORCR_IO@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]
CC: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]
Subject: FOR REVIEW: Draft Agenda, Updated Draft OAR/OLEM Discussion Paper on TFI Petition Approval, Suggested Edits to OAR Draft Approval letter
Attachments: TFI approval letter on AD Letterhead Sept 11 ORCR Draft Comments 6 pm.docx; TFI approval letter on AD Letterhead Sept 11 ORCR Draft Comments 6 pm.docx

Importance: High

<!--[if lte mso 15 || CheckWebRef]-->

Emmerson, Caroline has shared OneDrive for Business files with you. To view them, click the links below.

Draft ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction.docx

Draft OLEM OAR Agenda TFI Petition Approval.docx

<!--[endif]-->

Steven, Carolyn and Greg,

Ex. 5 Deliberative Process (DP)

Please let us know if you have any questions or comments. We will need to send the final meeting materials to OAR by Monday afternoon.

Thanks,

Caroline

Message

From: Crossland, Andy [Crossland.Andy@epa.gov]
Sent: 9/11/2020 3:31:22 PM
To: Atagi, Tracy [Atagi.Tracy@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]
CC: Chow, Rita [Chow.Rita@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]
Subject: RE: For Review: Updated draft OAR/OLEM Discussion Paper on TFI Petition Approval

I was just about to hit send on an email that said MRWMD is all set unless Tracy weighs in before you need to send it up. ☺

--Andy

Andy Crossland
Acting Director, Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery
Office of Land and Emergency Management
(202) 853-4459
Crossland.andy@epa.gov

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Friday, September 11, 2020 11:26 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Subject: RE: For Review: Updated draft OAR/OLEM Discussion Paper on TFI Petition Approval

Ex. 5 Deliberative Process (DP)

Andy may have additional thoughts, but if PMCAO is okay with the document I would not hold it up for MRWMD's final word.

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Friday, September 11, 2020 10:19 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>
Subject: For Review: Updated draft OAR/OLEM Discussion Paper on TFI Petition Approval
Importance: High

All – please see attached draft agenda and updated briefing/discussion paper for your review. Thank you to Rita and Caroline for providing input to reflect the discussion yesterday. **MRWMD and PMCAO** - Please let the group know once you're done with reviewing so RCSD can send forward to Carolyn and Greg – ideally we can get this up to them today so Steven can review and we can send to OAR Monday. Thanks again!

Nicole

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Friday, September 11, 2020 7:39 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: FOR BC REVIEW: DRAFT OAR/OLEM Discussion Paper on TFI Petition Approval
Importance: High

Nicole,

Linked for your review are the one drive shared files of a revised draft agenda for meeting with OAR based on Caroline's draft agenda in her 9/10 email (forwarded below) and the draft revised paper discussing our issues for consideration based on yesterday's discussion with Steven and incorporating Caroline's specific solutions below.

Draft OLEM OAR Agenda TFI Petition Approval.docx

Draft ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction.docx

Let me know if you want to review/discuss anything or if you prefer that I go ahead and send this to Caroline and Cheryl's review.

Thanks,

Rita

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Thursday, September 10, 2020 9:44 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: DRAFT Agenda for 9/15/2020 OAR and OLEM meeting on TFI package

Thank you, Caroline! Your edits/language below is very helpful. I'm thinking between the agenda and the briefing paper, we can include your edits/suggested language in one and/or the other. I'm not sure we want to put the amount of detail in the agenda that is in the suggested solutions section, but Rita and I will put our heads together and discuss how to integrate what you have below. We'll get back to you tomorrow!

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Thursday, September 10, 2020 8:13 PM
To: Chow, Rita <Chow.Rita@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: DRAFT Agenda for 9/15/2020 OAR and OLEM meeting on TFI package

Hi Nicole and Rita, Here are my thoughts for an agenda. Please revise as necessary. Thanks, Caroline

DRAFT Agenda

OLEM and OAR Meeting

Regarding OAR's Draft Approval of The Fertilizer Institute's (TFI) request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 C.F.R. § 61.206

1. OLEM Concerns
   - Risk Analysis
   - Implementation/Compliance Issues
2. OLEM Suggested Solutions in the form of edits to the Draft Approval letter to specify:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Sent: 9/11/2020 2:18:42 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]
CC: Chow, Rita [Chow.Rita@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]
Subject: For Review: Updated draft OAR/OLEM Discussion Paper on TFI Petition Approval

Importance: High

<!--[if lte mso 15 || CheckWebRef]-->

Villamizar, Nicole has shared OneDrive for Business files with you. To view them, click the links below.

Draft ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction.docx

Draft OLEM OAR Agenda TFI Petition Approval.docx

<!--[endif]-->

All – please see attached draft agenda and updated briefing/discussion paper for your review. Thank you to Rita and Caroline for providing input to reflect the discussion yesterday. **MRWMD and PMCAO** - Please let the group know once you're done with reviewing so RCSD can send forward to Carolyn and Greg – ideally we can get this up to them today so Steven can review and we can send to OAR Monday. Thanks again!

Nicole

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Friday, September 11, 2020 7:39 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: FOR BC REVIEW: DRAFT OAR/OLEM Discussion Paper on TFI Petition Approval
Importance: High

Nicole,

Linked for your review are the one drive shared files of a revised draft agenda for meeting with OAR based on Caroline's draft agenda in her 9/10 email (forwarded below) and the draft revised paper discussing our issues for consideration based on yesterday's discussion with Steven and incorporating Caroline's specific solutions below.

Draft OLEM OAR Agenda TFI Petition Approval.docx

Draft ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction.docx

Let me know if you want to review/discuss anything or if you prefer that I go ahead and send this to Caroline and Cheryl's review.

Thanks,

Rita

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Thursday, September 10, 2020 9:44 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: DRAFT Agenda for 9/15/2020 OAR and OLEM meeting on TFI package

Thank you, Caroline! Your edits/language below is very helpful. I'm thinking between the agenda and the briefing paper, we can include your edits/suggested language in one and/or the other. I'm not sure we want to put the amount of detail in the agenda that is in the suggested solutions section, but Rita and I will put our heads together and discuss how to integrate what you have below. We'll get back to you tomorrow!

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Thursday, September 10, 2020 8:13 PM
To: Chow, Rita <Chow.Rita@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: DRAFT Agenda for 9/15/2020 OAR and OLEM meeting on TFI package

Hi Nicole and Rita, Here are my thoughts for an agenda. Please revise as necessary. Thanks, Caroline

DRAFT Agenda

OLEM and OAR Meeting

Regarding OAR's Draft Approval of The Fertilizer Institute's (TFI) request for Approval of Additional Uses of Phosphogypsum Pursuant to 40 C.F.R. § 61.206

1. OLEM Concerns

    - Risk Analysis

    - Implementation/Compliance Issues

2. OLEM Suggested Solutions in the form of edits to the Draft Approval letter to specify:

Ex. 5 Deliberative Process (DP)

Appointment

From: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Sent: 9/3/2020 2:57:52 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Celeste, Laurel [celeste.laurel@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Huggins, Richard [Huggins.Richard@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]
CC: Radtke, Meghan [Radtke.Meghan@epa.gov]; Rubright, Tyler [Rubright.Tyler@epa.gov]

Subject: TFI Request - Pre-meeting among ORCR
Attachments: RE: TFI Request - Pre-meeting among ORCR
Location: Microsoft Teams Meeting

Start: 9/3/2020 8:30:00 PM
End: 9/3/2020 9:15:00 PM
Show Time As: Tentative

Purpose: Review and discuss concerns re: TRI package (pre-meeting in advance of the 9/10 meeting with Steven Cook)

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 8/31/2020 9:16:12 PM
To: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]
Subject: RE: Update on TFI package

All,

How's this note to send forward? Thanks, Caroline

Draft note to Steven Cook:

Steven,

Ex. 5 Deliberative Process (DP)

We are happy to set up a call with you this week to broadly discuss our preliminary concerns while we are still reviewing these materials.

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Monday, August 31, 2020 10:17 AM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: RE: Update on TFI package

GM All,
I was sent the draft approval letter by OAR on August 21, 2020 with a note saying this was a beneficial of phosphogypsum. I notified them then that we needed additional information in order to be responsive. As you know we discussed this during the weekly DD meeting August 24th. After some additional ORCR internal discussions, Caroline and I met with OAR August 26th and expressed our initial concerns. During the meeting, we requested the data which we received that afternoon. Caroline immediately shared the data with ERAS. OAR has had the request from TFI since October 2019 and their initial contact with OLEM was August 21, 2020. We said during the call with OAR that we would do our best, but were unable to commit to an immediate review and response, especially since we didn't know how much information there was at that time. Jason Mills let Caroline know last week that he anticipates completing his review by September 11th. Caroline is in the process of scheduling a follow up meeting with OAR the week of September 14th.

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, August 31, 2020 9:39 AM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick

<Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: FW: Update on TFI package

All –

Can ORCR review this and let me know if there are any edits to pass back to OAR? These are addressing radiation impacts from phosphogypsum use in road projects. By Wed. noon if possible.

Thanks

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 9:24 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: FW: Update on TFI package

Hi Steve,

Checking in to see if OLEM has any updates on the TFI phosphogypsum package. I understand OLEM has some equities here with waste management in communities with gypsum stacks.

Thank you, sir!

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 10:11 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Preston,

Attached is the letter to TFI and the current draft FR. There is one question remaining that we are working with OGC (a simple edit).

We also are having a conversation with OLEM/ORCR to continue and resolve. This is a CAA action; however, they work regularly with States on issues of waste management generally and have an interest in understanding this project and its associated risk assessment.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Sent: 8/31/2020 5:03:02 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]
CC: Chow, Rita [Chow.Rita@epa.gov]; Suarez, Lana [Suarez.Lana@epa.gov]
Subject: FW: Phosphogypsum Use in Roadways
Attachments: Response to TFI- Letter PDAA to TFI 08242020ph.docx

I asked Rita to put together a few key points to update me on this issue....mainly to help me get my head around the issue quickly, since there's a meeting today at 4:30 to discuss. Please see below. Thanks again, Rita!

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Monday, August 31, 2020 12:47 PM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: Phosphogypsum Use in Roadways

I am still putting together the notes and subsequent emails from the call I put together with ERAS and Tracy Atagi last Tuesday. But I think these are the main points. I've attached the draft letter they sent to Cheryl and noted specific statements from it below.

Overarching issues based on the draft OAR letter

Ex. 5 Deliberative Process (DP)

OAR's draft letter says:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Sullivan, Greg [Sullivan.Greg@epa.gov]
Sent: 8/31/2020 2:03:53 PM
To: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Bergman, Shawna [Bergman.Shawna@epa.gov]
CC: ORCR IO [ORCR_IO@epa.gov]
Subject: FW: Update on TFI package
Attachments: Response to TFI- Letter PDAA to TFI 08242020ph.docx; TFI FR_Notice_of_availability_Aug 26(inclusive fromDSchul-Aug252020-CStar-eds-Aug25).docx

Gregory Sullivan, Acting Deputy Director
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency, OLEM
202 564-1298

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, August 31, 2020 9:39 AM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: FW: Update on TFI package

All –

Can ORCR review this and let me know if there are any edits to pass back to OAR? These are addressing radiation impacts from phosphogypsum use in road projects. By Wed. noon if possible.

Thanks

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 9:24 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: FW: Update on TFI package

Hi Steve,

Checking in to see if OLEM has any updates on the TFI phosphogypsum package. I understand OLEM has some equities here with waste management in communities with gypsum stacks.

Thank you, sir!

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 10:11 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Preston,

Attached is the letter to TFI and the current draft FR. There is one question remaining that we are working with OGC (a simple edit).

We also are having a conversation with OLEM/ORCR to continue and resolve. This is a CAA action; however, they work regularly with States on issues of waste management generally and have an interest in understanding this project and its associated risk assessment.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

Ex. 5 Deliberative Process (DP)

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 8/26/2020 3:45:23 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

Thanks very much Tom.

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

TFI submitted an initial request in October 2019 and a revised request in April 2020. The TFI documents attached here are from the April submission. If you would like the October documents, I can send those in a separate email.

I have attached multiple documents from the TFI request, including the risk assessment that is embedded in the file 4-7-2020 PG Petition. Note the contaminants of concern in the risk assessment are radium and radon, as those are the basis for the Clean Air Act NESHAP regulation at 40 CFR part 61, Subpart R. However, we did discuss with TFI that we had a general concern beyond our regulatory purview related for other contaminants. As a result TFI did a metals analysis and that is included.

Attached is the 1992 EPA BID for the rule that has multiple analyses, including the groundwater pathway for different uses. For roads, the determination was made in 1992 that the groundwater pathway was not important to exposures per the rule. The draft EPA staff technical review of the TFI work references the 1992 BID. I have also included a contractor report by SCA that reviewed the TFI risk assessment.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

> On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:
>
> <image001.gif>
> Hi Lee,
>
> We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and

discussed it with the ORCR/OLEM Division Directors. We have some concerns with the draft approval and need additional information before we can advise upper management
and respond to questions. Please let me know when you some time to discuss this matter.

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/26/2020 2:20:09 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Introduction

Caroline,

Yes, that is correct. We have our own analysis as well that we will share. Given the amount of information, we will also plan to review it with your team. TFI sent it in two batches, one in late 2019 and the final in April 2020.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, August 26, 2020 10:03 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Lee,

Thanks for meeting with us this morning. I will advise our technical experts that we will receive the TFI materials and OAR review documents. Just to confirm, are the TFI materials the documents discussed in the paragraph below (p. 2) from the draft approval letter?

TFI submitted or resubmitted with the Revised Request a number of materials, including: Summary of the Risk Assessment and Metals Screening Report; Radiological Risk Assessment in Support of Petition for Beneficial Use of Phosphogypsum; Human Health Risk Screening for Metals and Metalloids; responses to EPA comments and questions relating to the initial request; report on recent measurements of PG radioactivity level in U.S. stacks; Policy Navigation Group, Economic Analysis of Phosphogypsum Reuse (December 2019); information on the location of PG stacks; and other information. Revised Request at 2-3.

Best,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>

Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

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Office of Radiation and Indoor Air
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Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

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Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

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Sent from my iPhone

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<image001.gif>
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and respond to questions. Please let me know when you some time to discuss this matter.

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Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Coleman, Cheryl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A002614AA0B240D698F09E4A7EAFC8DA-COLEMAN, CHERYL]
Sent: 8/24/2020 1:35:17 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Subject: RE: Introduction

Totally. I used to run into Liz occasionally but not in the last couple years.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 24, 2020 9:34 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Subject: RE: Introduction

I know. They were great for the environment!

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Monday, August 24, 2020 9:33 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Introduction

Liz Cotsworth. That's a blast from the past. She and Sylvia Lorance were two power houses.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Friday, August 21, 2020 4:57 PM
To: Chow, Rita <Chow.Rita@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Subject: RE: Introduction

Hi Rita,

https://www.govinfo.gov/content/pkg/CHRG-108hhrg95739/pdf/CHRG-108hhrg95739.pdf

Ex. 5 Deliberative Process (DP)

Please let me know if you would like to talk about this.

Thanks,

Caroline

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Friday, August 21, 2020 10:29 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: Introduction

Caroline, as you know Nicole is out the next few days. I'm copying Rita to see if she can help with this request.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

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We've worked closely with OGC and have developed a final draft approval letter for our AA. She has indicated that she would like to make this approval. As we discussed this possibility, we thought we should check in with OLEM, particularly ORCR or those working on beneficial reuse programs.

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Coleman, Cheryl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A002614AA0B240D698F09E4A7EAFC8DA-COLEMAN, CHERYL]
Sent: 8/21/2020 2:31:25 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]
Subject: RE: Introduction

Hi Lee,
Sorry I missed your call. I forwarded your email to Caroline Emmerson the acting ADD for our Division and Rita Chow, the BU technical expert for our division. One of us will contact you when we've reviewed the information.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

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Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322

www.epa.gov/radiation

Appointment

From: Ex. 5 Deliberative Process (DP) Wheeler.Calendar Ex. 5 Deliberative Process (DP)
Sent: 9/22/2020 3:51:37 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Harlow, David [harlow.david@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]

Subject: Briefing: Fertilizer Institute Phosphogypsum
Location: Administrator's Office/ Conference Call Ex. 6 Personal Privacy (PP)

Start: 9/23/2020 8:00:00 PM
End: 9/23/2020 8:30:00 PM
Show Time As: Tentative

Appointment

From: Ex. 6 Personal Privacy (PP) Wheeler.Calendar Ex. 6 Personal Privacy (PP)
Sent: 9/11/2020 6:15:22 PM
To: Ex. 6 Personal Privacy (PP) Wheeler.Calendar Ex. 6 Personal Privacy (PP) Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Harlow, David [harlow.david@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]; Gustafson, Adam [Gustafson.Adam@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Briefing: Fertilizer Institute Phosphogypsum
Location: Administrator's Office/Conference Call Ex. 6 Personal Privacy (PP)

Start: 9/23/2020 7:00:00 PM
End: 9/23/2020 7:30:00 PM
Show Time As: Busy

Message

From: Peake, Tom [Peake.Tom@epa.gov]
Sent: 12/8/2020 7:37:28 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
CC: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
Subject: FYI --The TFI letter has two requests

All,
In reviewing the December 1 letter and thinking about a response I see two intertwined asks by TFI:

Ex. 5 DPP/ACC

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/3/2020 7:22:58 PM
To: Cherepy, Andrea [Cherepy.Andrea@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
Subject: RE: Approval of the Request for Other Use of Phosphogypsum - release in Sept?

Andrea

That is a good idea. Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Sent: Thursday, September 03, 2020 3:18 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Subject: FW: Approval of the Request for Other Use of Phosphogypsum - release in Sept?

Lee and Rick,

Let's remember to send Karen a heads up as we get close to signature.

Thanks,
Andrea

From: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Sent: Thursday, September 03, 2020 2:53 PM
To: Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: Approval of the Request for Other Use of Phosphogypsum - release in Sept?

Hi Andrea,

I saw the Approval of the Request for Other Use of Phosphogypsum by TFI is on the horizon for the next couple of weeks. Given the interest from Sen Rubio's office, I'm following this issue. When it goes for signature, would you give me a heads up? (Is this signed by the AA or Administrator?) I wouldn't share anything externally before OAR posts the info on the EPA website, but I'd like to give OCIR leadership a heads up.

Thanks a lot,

Karen.

Karen Thundiyil
Office of Congressional Affairs
U.S. Environmental Protection Agency

(202) 564.1142

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/31/2020 2:57:54 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: White, Rick [White.Rick@epa.gov]
Subject: Update on OLEM consultation

Good morning,

We'll discuss during the general today. This is the latest timing from OLEM/ORCR.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: Redacted
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Good morning Lee and Tom,

We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

Thanks,

Caroline

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: Redacted

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: Redacted
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

> On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:
>
> <image001.gif>
> Hi Lee,
>
> We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and
> discussed it with the ORCR/OLEM Division Directors. We have some concerns with the draft approval and need additional information before we can advise upper management
> and respond to questions. Please let me know when you some time to discuss this matter.
>
> Thanks,
>
> Caroline
>
> Caroline Emmerson
> Acting Associate Division Director
> RCSD/OLEM
> Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

We've worked closely with OGC and have developed a final draft approval letter for our AA. She has indicated that she would like to make this approval. As we discussed this possibility, we thought we should check in with OLEM, particularly ORCR or those working on beneficial reuse programs.

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: Redacted
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 9/21/2020 4:20:31 PM
To: Cory, Preston [Cory.Preston@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]
CC: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: RE: Briefing Materials for 9232020

Ok, so I will send the materials as is and the letter to the OA. Thanks everyone!

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, September 21, 2020 11:44 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Briefing Materials for 9232020

Lee,

Thank you. These look great. I am fine with not adding in a bullet on the OLEM issues.

Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, September 21, 2020 11:36 AM
To: Cory, Preston <Cory.Preston@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Briefing Materials for 9232020

Hi Preston,

We just added the language to the Action Memo draft on Friday. We have the final draft Action Memo (Austin to Wheeler), transmittal memo (Edwards to Austin), FR package, approval letter, comms materials, etc. starting to move their way upward for review. Here are the latest *draft* approval letter and *draft* action memo. You should not see any surprises, but we made adjustments last week after the OLEM engagement and OGC ARLO follow-up.

For the brief this week, are you comfortable if we talk through the OLEM discussion versus adding a bullet to the one-page document? I'm happy to make the change, but I will definitely need to go to 2-pages to do it.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division

Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, September 21, 2020 11:23 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Briefing Materials for 9232020

Many thanks! I must have missed the action memo. This looks good. I asked Ann Campbell to send down a copy of the letter for his awareness/review as well.

Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, September 21, 2020 11:21 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Briefing Materials for 9232020

Hi Preston and Ann,

We certainly can do that. We are definitely going to cover that verbally regardless.

We added this language into the Action Memo that the AW would see as part of the package. A much more brief treatment of the subject can be added to this one-pager to prompt the conversation if you think that would be helpful. Here is what we say in the Action Memo from Anne to AW:

> "On September 15, 2020, ORIA and OGC/ARLO met with ORCR and senior management from the Office of Land and Emergency Management to discuss ORCR's review of the proposed approval of TFI's request. ORCR suggested some revisions to the draft approval letter and identified the following general concerns:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Monday, September 21, 2020 11:08 AM
To: Cory, Preston <Cory.Preston@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Briefing Materials for 9232020

Just a reminder we are targeting 2p to get this to the OA.

Thanks!

Ann (Campbell) Ferrio
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, September 21, 2020 10:50 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Briefing Materials for 9232020

Lee,

I notice that topics raised by OLEM on our call last week are omitted. Might we Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, September 18, 2020 10:39 AM
To: Campbell, Ann <Campbell.Ann@epa.gov>

Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>
Subject: Briefing Materials for 9232020

Hi Ann,

We are scheduled to brief the Administrator on Wednesday, 9/23/2020 at 4:30pm on The Fertilizer Institute request for alternative uses of phosphogypsum. Here is the briefing material for final review and transmittal to the 3rd floor. Let me know if you need anything further.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/15/2020 2:45:56 PM
To: Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]
Subject: FW: technical review document and road abandonment document
Attachments: Phosphogypsum_risk_technical_summary_final_2020.docx

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 9:29 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: technical review document and road abandonment document

It would probably help to include the file…

From: Peake, Tom
Sent: Wednesday, October 14, 2020 9:28 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Charles Starrs (Starrs.Charles@epa.gov) <Starrs.Charles@epa.gov>
Subject: RE: technical review document and road abandonment document

All,
I made edits to address Lee's issues. Please review and close it out in the morning. Jon, would you coordinate any last edits and finalize it?
Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 6:54 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph

<rustick.joseph@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: technical review document and road abandonment document

Hi,
+ Charles
This is really solid technical work, thank you. I have a few clean up type comments for you.

For Joe's memo, let's get that to Patricia to place on letterhead so that Joe can send it to Tom. That is the end path of its disposition, right?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 5:10 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: technical review document and road abandonment document

Lee,
Attached are the latest versions of the technical review and road abandonment documents (guys, please confirm).

The technical review document (Sept. 30 version) has one last comment from me that you need to decide on and there is the draft watermark that needs to be deleted once you are done.

Dan and I looked at the road abandonment memo and Joe has addressed our comments.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/20/2020 5:56:21 PM
To: Idsal, Anne [idsal.anne@epa.gov]
CC: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]
Subject: RE: Update and Question on Phosphogypsum

Will do!

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Thursday, August 20, 2020 10:55 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>
Subject: RE: Update and Question on Phosphogypsum

Thank you Lee! Please be sure to include Preston on this topic as well.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, August 17, 2020 1:15 PM
To: Idsal, Anne <idsal.anne@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: Update and Question on Phosphogypsum

Hi Anne,

I think that we are very close to a final approval letter for the TFI request for an alternative use of phosphogypsum. I believe that we've addressed the OGC legal issues, and I meet this afternoon with the team to confirm. Jon shared with you a draft, which I've attached here from that email.

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal

Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Wednesday, August 12, 2020 6:56 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Phosphogypsum

Anne and team--- In an effort to keep you up-to-speed on the latest developments, I've attached the most current drafts we've received on the TFI "response to petition" letter with new OGC input. (The marked-up file and the clean file are both attached.)

This afternoon, OGC leadership was scheduled to be briefed on this but I have not yet had a report on how that went. We will keep you abreast of developments and brief this up the chain once we receive final OGC input... Jon

From: Edwards, Jonathan
Sent: Monday, August 10, 2020 3:05 PM
To: Idsal, Anne <idsal.anne@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Phosphogypsum

Anne-- in quick check-ins with our OGC attorney this morning on this, he asked if he could have another couple days (due to conflicting SIP work) to finish some additional OGC edits on the draft. Is it OK to wait until late Wednesday to send you draft materials? Of course, if you have urgency we can immediately send you the current file (initial program/OGC draft), with lots of caveats*.... We'd prefer to have OGC's more refined file in a couple days, but certainly want to get you something immediately if you need it for a call, a meeting or some other urgent matter right now....Just let us know... Jon

From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Monday, August 10, 2020 10:24 AM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Phosphogypsum

Thanks Jon! Would you mind sending me the draft response letter and FR notice when you have a moment?

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Monday, August 10, 2020 10:12 AM
To: Idsal, Anne <idsal.anne@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Phosphogypsum

Hi Anne--- Lee is on annual leave this week so I want to get right back to you on this. I know you get deluged with emails but we sent an update last week on the TFI petition... I'll resend that back to you right after this email so you can have that at the top of your inbox again. Long and short of it is that we anticipate OGC to be briefing Adam this week on

the letter and package and we are eager to hear back on OGC leadership reactions… Any further questions don't hesitate to ask!…thanks, Jon

---

From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Monday, August 10, 2020 9:15 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Phosphogypsum

Good morning Lee,

It's been a little over two weeks since our last meeting and I'm curious to know where we stand at this point. Please let me know when you have a chance.

Best,
Anne

Anne L. (Idsal) Austin
Principal Deputy Assistant Administrator
U.S. EPA – Office of Air and Radiation
(202)564-6685 (direct)
(202)870-7547 (cell)

Message

From: White, Rick [White.Rick@epa.gov]
Sent: 8/12/2020 4:35:12 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]
Subject: FW: Latest TFI letter as of August 11, 3:45 pm
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 11 pm (002)markup.docx; Response to TFI-Draft Conditions Letter AA to TFI August 11 pm (002)clean.docx

Jon-

Attached are the latest files that we received from Charles Starrs. I have included both the marked up version of the letter as well as a clean version. Also, below, is some back and forth between Charles, Tom and Jon Walsh regarding a question Anne had on the last version of the letter you forwarded to her. Anne had a question that she sent to the General Counsel and Deputy General Counsel and the e-mail chain outlines the discussion for your information.

Charles is briefing his Management this afternoon. If anything comes of that and suggested changes are made, we'll let you know as soon as we get them.

Let me or Tom know if you have any questions.

Thanks.

Rick

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Wednesday, August 12, 2020 10:54 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Ex. 5 DPP/ACC

Jon

From: Peake, Tom
Sent: Wednesday, August 12, 2020 12:05 PM

To: White, Rick <White.Rick@epa.gov>
Subject: FW: Latest TFI letter as of August 11, 3:45 pm

From: Peake, Tom
Sent: Wednesday, August 12, 2020 10:57 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Charles,
Please use the August 11 pm version for any changes.

Ex. 5 DPP/ACC

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

PS. I see that Jon just sent something, too, but you will have both emails to use. Jon can correct me if I am wrong on any of the above.

Table 1: Dose, Risk, and Background Summary for All RME Scenarios

Receptor	CSM	Exposure Duration (years)	Exposure Dose (mrem)	Estimated Cancer Risk	Background Dose from Exposure Duration (mrem)	Exposure Dose Percentage of Background Dose (%)
Reasonable Maximum Exposure Scenarios						
Road Construction Worker	PG in Road Base	5	110	0.5 in 10,000	1550	7%
Road User (Motorist/Bicyclist)	PG in Road Base & Surface	26	28	0.1 in 10,000	8060	0.3%
Truck Driver	PG-containing material for Road Base	5	93	0.5 in 10,000	1550	6%
Nearby Resident	PG in Road Base & Surface	26	16	0.08 in 10,000	8060	0.2%
Utility Worker	PG in Road Base	1	0.8	0.004 in 10,000	310	0.3%
	EPA Cancer Risk Management Goal		600	3 in 10,000	600	

Estimated cancer risk below this goal.

Nearby Resident	Risk: 0.08 in 10,000 The Nearby Resident RME is based on extreme assumptions that are unlikely to apply to all residents of a PG road. The assumptions include close exposure to the road and long durations of residency throughout the exposure period. Based on these assumptions the Nearby Resident RME is exposed to 0.2% of background levels.	Most residents near a PG road would be exposed to much lower doses and risk, well below 0.08 in 10,000. Radiation levels from a PG road decrease rapidly with distance from the road and become indistinguishable from background at 50' to 100'. As a result, most residents immediately beside a PG road would be exposed to much less than the RME risk level, and residents beyond the immediately adjacent properties would experience essentially zero incremental risk. The overall risk distribution would depend on the overall length of the PG road and population density along the road but is limited to only those locations immediately beside the PG road.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, August 12, 2020 10:18 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Tom:

The OAR AA got an earlier, rough draft from Jon Edwards on Monday (the 10th) afternoon. (Jon noted that it was still rough and still under review.) The AA circulated it among her staff and then sent it to the General Counsel and the Deputy General Counsel (DGC). Working off that earlier rough draft, the DGC has asked to meet with me today or

Ex. 5 Attorney Client (AC)

Charles
202-564-1996

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/14/2020 8:40:11 PM
To: Cory, Preston [Cory.Preston@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx
Attachments: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx; TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits 9 14 2020.docx; OLEM OAR Agenda TFI Petition Approval Sept 15 2020 annotated 337 pm.docx

Importance: High

Hi,

OLEM sent the attached materials for our meeting tomorrow morning at 10am. It includes an agenda, a discussion paper and their suggested changes to the approval letter.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, September 14, 2020 3:41 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Lee,

Attached are the agenda for tomorrow's meeting, ORCR's Discussion Paper, and ORCR's suggested edits to the Draft TFI Approval letter. We look forward to talking with you tomorrow.

Thanks,

Caroline

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/14/2020 7:16:41 PM
To: White, Rick [White.Rick@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: FW: Discussion Paper re: TFI package - for 3pm 9/10 call
Attachments: Draft ORCR Issue Paper_Use of Phosphogypsum in Road Construction.docx

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Thursday, September 10, 2020 5:19 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Discussion Paper re: TFI package - for 3pm 9/10 call

Hi Lee, this is the document used for the discussion with Steven. We've been directed to make some changes, which we will be doing tomorrow. Please don't share this version.

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Wednesday, September 9, 2020 6:18 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Subject: Discussion Paper re: TFI package - for 3pm 9/10 call

Hi Steven,

Please see attached discussion paper for our call tomorrow on the TFI package. This paper reflects Greg's input and I'm sending directly to you per his request. We look forward to hearing your thoughts. Thank you to Jason, Rita and Tracy for their excellent work in developing this paper to help facilitate our discussion.

Thanks,
Nicole

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

Message

From: Idsal, Anne [idsal.anne@epa.gov]
Sent: 9/11/2020 6:25:19 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
CC: Hyman, Alana [Hyman.Alana@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Harlow, David [harlow.david@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: Re: Fertilizer Institute Phosphogypsum Briefing

That would be just fine.

Anne L. (Idsal) Austin
Principal Deputy Assistant Administrator - Office of Air and Radiation
U.S. EPA

On Sep 11, 2020, at 2:11 PM, Edwards, Jonathan <Edwards.Jonathan@epa.gov> wrote:

Anne— I recommend that we add our OGC attorney Charles Starrs to the invite since he's been integral to the activity and very helpful. OK with you?—Jon

Sent from my iPhone

On Sep 11, 2020, at 2:03 PM, Idsal, Anne <idsal.anne@epa.gov> wrote:

I think 30 minutes should do it, preferably by Friday, September 25th.

Anne L. (Idsal) Austin
Principal Deputy Assistant Administrator - Office of Air and Radiation
U.S. EPA

On Sep 11, 2020, at 1:59 PM, Hyman, Alana <Hyman.Alana@epa.gov> wrote:

Do you have a timeframe of when it need to be scheduled by? Length of time for this briefing?

***A*lana Hyman**
Executive Assistant/Scheduler to the Administrator
Office of the Administrator
U.S. Environmental Protection Agency

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Friday, September 11, 2020 1:30 PM
To: Hyman, Alana <Hyman.Alana@epa.gov>
Cc: Scott, Corey <scott.corey@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Harlow, David

<harlow.david@epa.gov>; Cherepy, Andrea
<Cherepy.Andrea@epa.gov>
Subject: Fertilizer Institute Phosphogypsum Briefing

Alana,

OAR would like to schedule a briefing with the Administrator on the Fertilizer Institute's request under 40 CFR Part 61, Subpart R to use phosphogypsum in roads. Please include everyone CCed on this email in the invitation- we will send briefing materials along soon.

Many thanks,
Preston

K. Preston Cory
Office of Air and Radiation
U.S. Environmental Protection Agency
Office: 202-564-0137
Cell: 202-924-2465
cory.preston@epa.gov

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/5/2020 4:23:42 PM
To: Cory, Preston [Cory.Preston@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
CC: Moor, Karl [Moor.Karl@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: RE: Status update on TFI Response
Attachments: TFI_briefing-pager_6-15-20_Final.docx

Hi Preston,

Your note below is certainly consistent with what we've used in language for the Hill and controlled correspondence.
The Administrator requested a briefing paper in June for a meeting (potential) with industry. A copy of that paper with talking points is attached for you. There are two talking points within that paper that look appropriate for an audience at a State, and here those are with slight modification to second one to account for the difference in the audience:

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Wednesday, August 05, 2020 11:42 AM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Status update on TFI Response

Jon,

Thanks for the update on this. The Administrator needs a few talking points for a call he has tomorrow with a Governor, and I seek your insight on what he can speak to on the record at this point. Is there anything he can say beyond the following?:

Ex. 5 Deliberative Process (DP)

Many thanks,
Preston

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Tuesday, August 4, 2020 5:44 PM
To: Idsal, Anne <idsal.anne@epa.gov>
Cc: Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Status update on TFI Response

Anne—I received an email update from Lee Veal on the Fertilizer Institute phosphogypsum alternative use in road construction review activities. Here is a brief summary:

ORIA and OGC have now prepared an initial draft response letter that includes details on terms and conditions

Ex. 5 Attorney Client (AC)

As to timing, OGC/ARLO will need to brief the draft internally within OGC up to Adam Gustafson. OGC briefed the project in late July to Adam to provide background. We will want a final OGC view on language before returning to you and the OAR IO. Adam is back in the office next week, the week of August 10, and Charles Starrs (our OGC attorney) is making plans to connect with Adam once he returns. That would put us back to you and the OAR IO during the week of August 17. There is some discussion among ourselves on a possible phone call or meeting with TFI at the right time (but before publication) to bring them up to speed on our activities.

Ex. 5 Deliberative Process (DP)

If you have any questions, don't hesitate to ask... thanks, Jon

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/4/2020 5:24:02 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
CC: Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: RE: Status update on TFI Response

Hi Jon,

We should probably note that I (or someone) needs to review the final draft with TFI before publication, as they have asked for that courtesy. We've been working carefully with representatives throughout; however, I have no way of knowing for certain the reactions of every single industry member until we talk about the decisions. Anne would need to be comfortable with my doing so.

Otherwise, Charles has drafted a 7 page response that Tom is reviewing now. I think it won't be a big lift to be done this week in time for Adam on Monday.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Tuesday, August 04, 2020 12:23 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: FW: Status update on TFI Response

I'm planning on forwarding this to Anne for a status update on TFI given her strong interest... any additional cautions or insights to offer before I send up? --Jon

---

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 04, 2020 9:59 AM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Status update on TFI Response

Good morning Jon and Andrea,

I'd like to update you on our work to respond to The Fertilizer Institute request for alternative use of phosphogypsum in road construction.

We (RPD and ARLO) prepared an initial draft response letter that includes details on terms and conditions for the approval and are starting work on a Federal Register notice. I had a good conversation at the end of last week with ARLO (Charles Starrs) about the project. Charles made a

Ex. 5 Attorney Client (AC)

As to timing, ARLO will need to brief the draft internally within OGC up to Adam Gustafson, the OGC Deputy with CAA responsibilities. Charles briefed the project in late July to Adam to provide background. I think that we will want a final OGC view on language before returning to the OAR IO. Adam is back in the office next week, the week of August 10, and Charles is making plans to connect with Adam once he returns. That would put us back to OAR IO during the week of August 17.

I've examined the OMB question that Anne posed with OGC and will catch up with OP this week. I should have a response soon on that item.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/10/2020 2:42:09 PM
To: Cory, Preston [Cory.Preston@epa.gov]
CC: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; White, Rick [White.Rick@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: RE: Update on TFI package

Preston,

I sure will.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, September 10, 2020 10:11 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Thank you for flagging this, Lee. I am discussing this with Anne, et al this morning and will let you know.

In the interim, will you please forward the calendar invite for the OLEM call to David Harlow and me?

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 9, 2020 5:46 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Update on TFI package

Good afternoon Preston,

It seems like a good time to check in with you on a couple of things related to the Fertilizer Institute (TFI) package.

1. Ex. 5 Attorney Client (AC)

2. Do you, David or Alex have any further changes to the drafts or any questions?
3. Just a reminder: Our call with OLEM is on Tuesday, 9/15 at 10am.

Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

We have a final approval letter (signature by Anne), the Federal Register notice of availability and the 3 one-pagers/forms that go with those packages, and we are drafting the transmittal memo this afternoon. There is a new procedure for FR packages that involves a check in with OP/OFA, which we have started. I'm told that moves quickly but it is an essential step before sending it for signature. We had a few edits on the communications plan and are reviewing a revised version now. TFI has indicated a preference for holding on any press release at this time, but we will need communications materials just the same.

Unless you think otherwise, we will route the FR package and approval letter together for final review by OGC and ORIA IO in parallel, reconcile any edits and send a final complete package as soon as that concludes. This action is a priority for everyone involved, but I will need another day or two to complete all of the various parts and then ensure a smoother review and signature process.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/9/2020 9:27:32 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: White, Rick [White.Rick@epa.gov]
Subject: RE: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

Thank you. I'll do this next.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Wednesday, September 09, 2020 5:26 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: RE: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

Yes. Good idea although I imagine that David may share it with Preston/Anne also but good to have it come from you too... --- Jon

---

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 09, 2020 5:15 PM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

FYI – this came through today. I feel like I should probably share this with Preston, per direction from Anne to keep her up to speed. Any concerns about my doing that?

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, September 09, 2020 4:39 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

David:

As you know, the Fertilizer Institute (TFI) has requested, under 40 C.F.R. § 61.206, that EPA approve the removal of phosphogypsum (PG) from "stacks" for use in road construction. In case you were not already aware, I just wanted to

Ex. 5 Attorney Client (AC)

We have informed ORIA/RPD of our understanding of the relevant circumstances and our views on this matter. Please do not hesitate to contact me if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/14/2020 1:01:34 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: White, Rick [White.Rick@epa.gov]
Subject: FW: Phosphogypsum Press Release - Revised

Good morning Jon and Andrea,

We are getting indications that the Administrator will sign the TFI approval letter today, and OPA will provide for a press release.
CRIO is coordinating with OAR Comms to ensure that we can meet internet site posting deadlines. I believe that this will be released before the Federal Register notice is published, as that normally takes a few days.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI – looks like today is the day for the Administrator to sign the letter.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:37 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It's looking like a 10am release, FYI.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/1/2020 3:50:59 PM
To: Cory, Preston [Cory.Preston@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: RE: TFI approval
Attachments: Action Memo TFI Petition Approval Austin to Wheeler Sept 21 2020.docx; CQR072.pdf; FR Typesetting TFI_.pdf; NESHAP Subpart R Approval TFI Request Other Use Phosphogypsum FRN_09212020.docx; TFI Approval Action Information Form 9-21-2020 .doc; TFI approval letter on AD Letterhead Sept 21 2020.docx; TFI response-Comms Plan_09 21 2020 .docx; TFI_Approval_1-pager_9-21-2020 .docx; Transmittal memo Edwards to Austin TFI PG Request 9212020.docx

Betsy Shaw and/or Alex are good contacts to ask, but it seems reasonable that OP would be next. Please know that there are two (2) places in the Federal Register Notice with yellow highlights for the date that the approval letter is signed. This is normally corrected as packages make their way through the process.

Please also ask OP to check CMS OAR-20-000-7381. CMS is sometimes hard to make work, but it is worth a shot.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, October 01, 2020 11:40 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: TFI approval

That may help, yes. OP has not seen the package, but since the Administator needs to sign it, I understand it needs to come through OP first, correct?

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, October 1, 2020 11:39 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: TFI approval

Preston,

The full package was loaded into CMS on September 24, and it has a number OAR-20-000-7381.

The Administrator would need to sign both the letter and CMS. I'm not familiar with the red folder, as that is not something I usually see. Ann Ferrio is out if memory serves.
Would you like for me to send you all the files that were placed into CMS?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, October 01, 2020 11:35 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: TFI approval

Lee,

The Administrator needs to sign the FR notice and the letter, correct? I'm hearing he never got the red folder with the official package.

Please advise.

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, October 1, 2020 10:55 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: TFI approval

Good morning,

I understand from OAR Comms that the TFI approval letter may be signed today.
I think all materials are in the right spots—comms with OPA, FR and package in CMS, but thought I should check in with you. Is there anything we need to be doing?
Does Anne/AO want to handle contacting TFI or would you like support for that?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Appointment

From: Chow, Rita [Chow.Rita@epa.gov]
Sent: 9/9/2020 4:11:36 PM
To: Chow, Rita [Chow.Rita@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]
CC: Birchfield, Norman [Birchfield.Norman@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]

Subject: Follow-up from Last Week's Meeting on OAR's Approval of Phosphogypsum in Road in Prep for Steven Mtg on Thurs.
Attachments: Final Petition Review; Review of PG Petition (9-9-20).docx
Location: Microsoft Teams Meeting

Start: 9/9/2020 6:15:00 PM
End: 9/9/2020 7:00:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Tuesday, September 08, 2020 11:36 AM
To: Chow, Rita; Mills, Jason; Atagi, Tracy; Villamizar, Nicole
Cc: Birchfield, Norman
Subject: Follow-up from Last Week's Meeting on OAR's Approval of Phosphogypsum in Road in Prep for Steven Mtg on Thurs.
When: Wednesday, September 09, 2020 2:15 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

UPDATED with the revised version of Jason's review of PG petition incorporating Stuart Walker (Superfund) and Phil Egidi (OAR) comments and the link to the one drive shared file of the draft conversation guide for tomorrow's discussion with Steven. Comments from Jason and Tracy are in track changes.

Draft ORCR Issue Paper_Use of Phosphogypsum in Road Construction.docx

---
Purpose: To discuss the follow-up actions from last Thursday's ORCR meeting on OAR's approval of PG in roads in preparation for this Thursday's meeting with Steven on the issue.

(1) Jason's shortened risk analysis to guide Thursday's conversation with Steven
   a. Discuss providing Jason's longer analysis to OAR

(2) Brainstorm/Develop language to enhance and make clear in OAR's letter that this not an EPA-wide approval.

Ex. 5 Deliberative Process (DP)

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Ex. 6 Personal Privacy (PP)

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By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Appointment

From: Holden, Patricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9B6B83191FEF4C1C982BAE41943BC99F-HOLDEN, PAT]
Sent: 9/15/2020 1:34:26 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Celeste, Laurel [celeste.laurel@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]

Subject: TFI request for alternative use of phosphogypsum
Attachments: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx; TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits 9 14 2020.docx; OLEM OAR Agenda TFI Petition Approval Sept 15 2020 annotated 337 pm.docx
Location: Microsoft Teams Meeting

Start: 9/15/2020 2:00:00 PM
End: 9/15/2020 3:00:00 PM
Show Time As: Busy

Discussion with OLEM/ORCR

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Good morning Lee and Tom,

We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

Thanks,

Caroline

Appointment

From: Chow, Rita [Chow.Rita@epa.gov]
Sent: 8/24/2020 3:01:34 PM
To: Chow, Rita [Chow.Rita@epa.gov]; Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Huff, Mark J [huff.markj@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]
CC: Suarez, Lana [Suarez.Lana@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Sjogren, Mya [Sjogren.Mya@epa.gov]

Subject: Phosphogypsum in Roadways
Attachments: phosphogypsum in road construction ; RE: Introduction
Location: Microsoft Teams Meeting

Start: 8/25/2020 5:00:00 PM
End: 8/25/2020 5:45:00 PM
Show Time As: Busy

For ease of reference, just including OIRA's draft response letter to The Fertilizer Institute; and the link you sent last Friday with Elizabeth Cotsworth's testimony on this issue from 2004.

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By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Message

From: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Sent: 8/21/2020 8:57:22 PM
To: Chow, Rita [Chow.Rita@epa.gov]
CC: Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]
Subject: RE: Introduction

Hi Rita,

https://www.govinfo.gov/content/pkg/CHRG-108hhrg95739/pdf/CHRG-108hhrg95739.pdf

I found some background information on this issue that may be helpful. EPA (Liz Cotsworth) testified at House hearing about phosphogypsum in 2004 (*Phosphogypsum: Should we just let it go to Waste? Parts I and II)*. Please see her testimony staring on page 73. She said that some activities do not meet the criteria for ensuring safety, "for example we found that a generic national exemption for road building material could not meet the risk criteria."

See page 90 Qs/As section:
Liz Cotsworth: "We generally evaluated road building in a 1994 regulation and we did find that certain exposures would lead to excess cancer rates, in excess of the risk range we specified and that in fact road bed usages did have a higher risk than actually agricultural usage."

Please let me know if you would like to talk about this.

Thanks,

Caroline

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Friday, August 21, 2020 10:29 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: Introduction

Caroline, as you know Nicole is out the next few days. I'm copying Rita to see if she can help with this request.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Chow, Rita [Chow.Rita@epa.gov]
Sent: 10/14/2020 5:48:10 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
CC: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Subject: DRAFT OLEM Desk Statement for EPA/OAR Phosphogypsum in Road Construction 9 14 2020 330 pm.docx
Attachments: Draft OLEM Desk Statement EPA_OAR Approval of Phosphogypsum in Government Road Construction.docx; TFI response-Comms Plan_09 21 2020 .docx; ORCR Comments_TFI response-Comms Plan_09 21 2020_.docx

Hello Caroline,

Ex. 5 Deliberative Process (DP)

Please let me know if you need anything else before I log off for the day at 2 pm.

Thanks,

Rita

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, October 14, 2020 1:06 PM
To: Chow, Rita <Chow.Rita@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

I think we should have a very short desk statement for OLEM Comms people based on statements from our briefing paper. I can take the lead on that if you are busy with this.

From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Wednesday, October 14, 2020 12:57 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

In OAR's Communication Plan, OAR has drafted a short desk statement that I would like to suggest some edits Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 11:30 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: TFI comms package

Hello Caroline,

I'm happy to pass along any information that I have that could be helpful. Please see email below from Kati Stevens.

I hope this helps to fill some gaps. I would recommend that if you have any questions regarding the PR and/or edits made to the PR that you direct those questions to Kati within OAR Comms.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 11:27 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: TFI comms package

Approved below is the PR they'll be putting out. The unchanged comms plan is attached.

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This

decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, October 14, 2020 12:42 PM
To: Chow, Rita <Chow.Rita@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Rita,
Please confirm that you are working on a desk statement to share with ORCR Comms. Thanks

From: Emmerson, Caroline
Sent: Wednesday, October 14, 2020 10:57 AM
To: Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

FYI

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:31 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning Caroline,

Here is the action memo (a Word version, I don't have the final PDF) that went forward noting the ORCR comments and their disposition. To my knowledge, the letter did not change substantively and this memo details where we are documenting things in our staff document. That technical paper will also be publicly available.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air

Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, October 14, 2020 9:25 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Thanks Lee. My OD just asked me if any of our changes to the letter were incorporated. Do you know if they were?

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:21 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Hi Caroline,

I am hearing that the Administrator is signing today, and they are planning a press release.
We've been asked to post the approval letter to our website, and I will send you that as soon as it is available to me.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]
Sent: 10/14/2020 4:58:49 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; ORCR Press [ORCR_Press@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Nisbett, Deana [Nisbett.Deana@epa.gov]; Owens, Regina [owens.regina@epa.gov]; Radtke, Meghan [Radtke.Meghan@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]
Subject: RE: TFI comms package

Great – thanks!

Carolyn Hoskinson, Director
Office of Resource Conservation and Recovery, US EPA
202-236-3619 or Hoskinson.carolyn@epa.gov
Twitter: @EPAland

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, October 14, 2020 12:55 PM
To: Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; OLEM ORCR IO <OLEMORCRIO@epa.gov>
Subject: RE: TFI comms package

I talked with Nicole and Rita earlier about drafting a desk statement related Beneficial Use. We can pull most of the info from our briefing paper for the 9/15 OAR meeting. I will follow up with Liz and OLEM Comms.

From: Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>
Sent: Wednesday, October 14, 2020 12:38 PM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; OLEM ORCR IO <OLEMORCRIO@epa.gov>
Subject: RE: TFI comms package

Thanks – who's on first for ORCR on drafting up a desk statement should we receive questions about what the RCRA implications are?

And have we alerted OLEM Comms that this might raise RCRA issues when it goes out?

Thanks!

Carolyn Hoskinson, Director
Office of Resource Conservation and Recovery, US EPA
202-236-3619 or Hoskinson.carolyn@epa.gov
Twitter: @EPAland

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Wednesday, October 14, 2020 12:05 PM
To: ORCR Press <ORCR_Press@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; OLEM ORCR IO

<OLEMORCRIO@epa.gov>
Subject: FW: TFI comms package

FYI. While the headline is a bit of an overstatement, they do provide caveated language imbedded in the PR. Also, we learned that OPA is handling the comms actions for this approval but our point of contact is Kati Stevens.

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 11:30 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: TFI comms package

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Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 11:27 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: TFI comms package

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"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

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decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

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For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

That's helpful, thanks. I don't know when CSAPR will be signed on Thursday. Would there be a conflict with that announcement going out the same afternoon?

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Finally, regarding E15, I am still waiting on some comments from OLEM but hope to have materials to you all very soon.

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Isabel, I think Fuels Streamlining is going to go out at 2:00 pm on Thursday.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Hi Molly,
We are hearing that signature for the CSAPR is expected on Thursday. We also have Fuels Streamlining happening that day. Do we have a target time for the Streamlining announcement? Would it work to plan for a CSAPR announcement later in the day (to give time to ensure signature and get things teed up for posting)?

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John

<Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Good afternoon,

Attached is the PR, factsheet, Q&A, and comms plan for the CSAPR update.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Chow, Rita [Chow.Rita@epa.gov]
Sent: 9/14/2020 3:59:32 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
CC: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Subject: RE: DRAFT Agenda, Comments on Draft TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx, Discussion paper
Attachments: RC_ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020.docx

Ex. 5 Deliberative Process (DP)

Rita

From: Chow, Rita
Sent: Monday, September 14, 2020 11:22 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: RE: DRAFT Agenda, Comments on Draft TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx, Discussion paper

No worries. Quick question on two of Jason's comments.

Ex. 5 Deliberative Process (DP)

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, September 14, 2020 11:15 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: DRAFT Agenda, Comments on Draft TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx, Discussion paper

Ok, I just had a "senior moment" because Emily is in OECA. Please accept my apologies Rita.

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Monday, September 14, 2020 11:13 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: DRAFT Agenda, Comments on Draft TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx, Discussion paper

By Emily, I'm sure you mean Rita? ☺ Did you know Emily Chow?

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, September 14, 2020 11:02 AM
To: Chow, Rita <Chow.Rita@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: DRAFT Agenda, Comments on Draft TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx, Discussion paper

Emily,
Greg said that we can share the attached documents with OAR. Can you please review them for any errors, just to make sure? Thanks, Caroline

Appointment

From: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Sent: 9/9/2020 4:11:13 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]

Subject: FW: Follow-up from Last Week's Meeting on OAR's Approval of Phosphogypsum in Road in Prep for Steven Mtg on Thurs.
Attachments: Final Petition Review; Review of PG Petition (9-9-20).docx
Location: Microsoft Teams Meeting

Start: 9/9/2020 6:15:00 PM
End: 9/9/2020 7:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Tuesday, September 08, 2020 11:36 AM
To: Chow, Rita; Mills, Jason; Atagi, Tracy; Villamizar, Nicole
Cc: Birchfield, Norman
Subject: Follow-up from Last Week's Meeting on OAR's Approval of Phosphogypsum in Road in Prep for Steven Mtg on Thurs.
When: Wednesday, September 09, 2020 2:15 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

UPDATED with the revised version of Jason's review of PG petition incorporating Stuart Walker (Superfund) and Phil Egidi (OAR) comments and the link to the one drive shared file of the draft conversation guide for tomorrow's discussion with Steven. Comments from Jason and Tracy are in track changes.

Draft ORCR Issue Paper_Use of Phosphogypsum in Road Construction.docx

---
Purpose: To discuss the follow-up actions from last Thursday's ORCR meeting on OAR's approval of PG in roads in preparation for this Thursday's meeting with Steven on the issue.

Ex. 5 Deliberative Process (DP)

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Ex. 6 Personal Privacy (PP)

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Message

From: Mills, Jason [Mills.Jason@epa.gov]
Sent: 8/31/2020 3:39:12 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

Yes, I can be prepared with the caveat that specifics may shift as I complete my review.

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 11:30 AM
To: Mills, Jason <Mills.Jason@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Jason,

ORCR IO understands that you just received the documents and anticipate completing review by Sept. 11. Kathleen wants to check in to find out what we think so far since Steven Cook asked for review of the approval letter by this Wednesday. Cheryl advised him that we are currently reviewing the TFI documents and will meet with OAR around Sept. 14th.

Are you able to give some preliminary thoughts on the materials?

Thanks,

Caroline

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Monday, August 31, 2020 11:24 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Caroline,

Is the meeting invite just sent out for this afternoon to discuss the conclusions of my review or is it something separate? I will not have had time to fully review the documents by this afternoon.

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery

United States Environmental Protection Agency

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 10:21 AM
To: Mills, Jason <Mills.Jason@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

I think it means impact on our waste program. Lee Veal used to the term "OLEM equities."

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Monday, August 31, 2020 10:20 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Sorry, I'm not sure what is meant by equities. Can you elaborate?

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 10:19 AM
To: Mills, Jason <Mills.Jason@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Will our response discuss OLEM equities? OAR is asking me that now. Thanks

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Monday, August 31, 2020 10:17 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

That works. Later this week, Thursday or Friday, would work best for me and allow me to finish pulling my thoughts together. My calendar is up to date if you would like to send an invite.

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:57 AM
To: Mills, Jason <Mills.Jason@epa.gov>
Subject: FW: Introduction -- documents related to TFI request

Jason,
FYI. Let's set up a time to talk about your review of the documents so far. Thanks, Caroline

---

From: Emmerson, Caroline
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Good morning Lee and Tom,

We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

Thanks,

Caroline

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

TFI submitted an initial request in October 2019 and a revised request in April 2020. The TFI documents attached here are from the April submission. If you would like the October documents, I can send those in a separate email.

I have attached multiple documents from the TFI request, including the risk assessment that is embedded in the file 4-7-2020 PG Petition. Note the contaminants of concern in the risk assessment are radium and radon, as those are the basis for the Clean Air Act NESHAP regulation at 40 CFR part 61, Subpart R. However, we did discuss with TFI that we had a general concern beyond our regulatory purview related for other contaminants. As a result TFI did a metals analysis and that is included.

Attached is the 1992 EPA BID for the rule that has multiple analyses, including the groundwater pathway for different uses. For roads, the determination was made in 1992 that the groundwater pathway was not important to exposures per the rule. The draft EPA staff technical review of the TFI work references the 1992 BID. I have also included a contractor report by SCA that reviewed the TFI risk assessment.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

<image001.gif>
Hi Lee,

We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and
discussed it with the ORCR/OLEM Division Directors. We have some concerns with the draft approval and need additional information before we can advise upper management
and respond to questions. Please let me know when you some time to discuss this matter.

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a

solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Coleman, Cheryl [Coleman.Cheryl@epa.gov]
Sent: 8/31/2020 1:39:27 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Subject: FW: Update on TFI package
Attachments: Response to TFI- Letter PDAA to TFI 08242020ph.docx; TFI FR_Notice_of_availability_Aug 26(inclusive fromDSchul-Aug252020-CStar-eds-Aug25).docx

---

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, August 31, 2020 9:39 AM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: FW: Update on TFI package

All –

Can ORCR review this and let me know if there are any edits to pass back to OAR? These are addressing radiation impacts from phosphogypsum use in road projects. By Wed. noon if possible.

Thanks

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 9:24 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: FW: Update on TFI package

Hi Steve,

Checking in to see if OLEM has any updates on the TFI phosphogypsum package. I understand OLEM has some equities here with waste management in communities with gypsum stacks.

Thank you, sir!

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 10:11 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Preston,

Attached is the letter to TFI and the current draft FR. There is one question remaining that we are working with OGC (a simple edit).

We also are having a conversation with OLEM/ORCR to continue and resolve. This is a CAA action; however, they work regularly with States on issues of waste management generally and have an interest in understanding this project and its associated risk assessment.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

> On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:
>
> <image001.gif>
> Good afternoon Preston,
>
> I'd like to give you an update on the TFI approval package.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Coleman, Cheryl [Coleman.Cheryl@epa.gov]
Sent: 8/28/2020 5:01:47 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Subject: Re: Introduction -- documents related to TFI request

Sounds good

Sent from my iPhone

On Aug 28, 2020, at 12:52 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

Cheryl,

Please Jason's estimate below for completing a response. We could meet with OAR the week of September 14th.

Carline

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Friday, August 28, 2020 11:09 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Caroline,

I expect to be able to get a full response pulled together by the 11th of September at the latest. Let me know if that timeline is not workable.

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency
<image003.png>

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, August 26, 2020 3:57 PM
To: Mills, Jason <Mills.Jason@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Thanks Jason. I advised Cheryl of the OW issue and we should talk about it when you have some time.

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Wednesday, August 26, 2020 12:36 PM
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Ex. 5 Deliberative Process (DP)

Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency
<image004.png>

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Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
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phone: 202-343-9765
cell phone: 202-465-5904

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Office: 202-343-9448; Cell: 202-617-4322
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Sent: 8/28/2020 3:09:28 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]
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<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

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From: Coleman, Cheryl [Coleman.Cheryl@epa.gov]
Sent: 8/26/2020 5:14:46 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

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<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 8/31/2020 5:54:09 PM
To: Atagi, Tracy [Atagi.Tracy@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

Hi Tracy,

I just sent Lynne a Van a message about this.

Thanks,

Caroline

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Monday, August 31, 2020 1:31 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hi Caroline – No, she just said that Van Housman would be the point of contact in her office for this issue if there's any follow up.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
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Did you find out any info from Lynne Davies? Thanks, Caroline

---

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>
> We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and
> discussed it with the ORCR/OLEM Division Directors. We have some concerns with the draft approval and need additional information before we can advise upper management
> and respond to questions. Please let me know when you some time to discuss this matter.
>
> Thanks,
>
> Caroline
>
> Caroline Emmerson
> Acting Associate Division Director
> RCSD/OLEM
> Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 10/14/2020 4:58:57 PM
To: Chow, Rita [Chow.Rita@epa.gov]
CC: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

OK, would you have those edits soon so that we can share them? Thanks Rita

From: Chow, Rita <Chow.Rita@epa.gov>
Sent: Wednesday, October 14, 2020 12:57 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 11:30 AM
To: Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; ORCR Press <ORCR_Press@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: FW: TFI comms package

Hello Caroline,

I'm happy to pass along any information that I have that could be helpful. Please see email below from Kati Stevens.

I hope this helps to fill some gaps. I would recommend that if you have any questions regarding the PR and/or edits made to the PR that you direct those questions to Kati within OAR Comms.

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 11:27 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: TFI comms package

Approved below is the PR they'll be putting out. The unchanged comms plan is attached.

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This

decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

###

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Washington, D.C. 20004

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From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, October 14, 2020 12:42 PM
To: Chow, Rita <Chow.Rita@epa.gov>
Cc: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Rita,
Please confirm that you are working on a desk statement to share with ORCR Comms. Thanks

From: Emmerson, Caroline
Sent: Wednesday, October 14, 2020 10:57 AM
To: Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

FYI

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:31 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning Caroline,

Here is the action memo (a Word version, I don't have the final PDF) that went forward noting the ORCR comments and their disposition. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air

Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, October 14, 2020 9:25 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Thanks Lee. My OD just asked me if any of our changes to the letter were incorporated. Do you know if they were?

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:21 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Hi Caroline,

I am hearing that the Administrator is signing today, and they are planning a press release.
We've been asked to post the approval letter to our website, and I will send you that as soon as it is available to me.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 10/8/2020 8:37:45 PM
To: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Nicole,

Please see below.

From: Emmerson, Caroline
Sent: Thursday, October 08, 2020 4:37 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Thanks for the update Lee. We look forward to seeing the final letter.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, October 08, 2020 4:24 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Hi Caroline,

The approval letter has not been signed, but it is with the Administrator to do so. The same is true for the Federal Register notice of availability. We will load all materials from TFI onto our website as well. I've planned to send the signed letter to you once I receive it. I suspect that the FR notice will lag a few days, they usually do.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Thursday, October 08, 2020 4:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good afternoon Lee,

I am checking in to see if there are any updates since we met on September 15th. Did the approval letter get signed?

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, September 15, 2020 9:30 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning,

I can do that. I forwarded them yesterday to our team.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, September 15, 2020 9:28 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Good morning Lee,

Are you going to post the materials I sent you to the meeting invitation?

Thanks,

Caroline

From: Emmerson, Caroline
Sent: Monday, September 14, 2020 3:41 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Lee,

Attached are the agenda for tomorrow's meeting, ORCR's Discussion Paper, and ORCR's suggested edits to the Draft TFI Approval letter. We look forward to talking with you tomorrow.

Thanks,

Caroline

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/9/2020 7:00:08 PM
To: Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]
Subject: Response to TFI-Draft Conditions Letter AA to TFI August 19 DRAFT ORCR comments (002).docx
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 19 DRAFT ORCR comments (002).docx

All,

Here's the revised letter.

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/14/2020 5:55:14 PM
To: Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]
Subject: Draft OLEM OAR Agenda TFI Petition Approval Sept 15 2020 annotated.docx
Attachments: Draft OLEM OAR Agenda TFI Petition Approval Sept 15 2020 annotated.docx

Rita and Nicole,

Carolyn H. is suggesting an annotated agenda. Please see attached and let me know your thoughts before I contact the larger group. Thanks

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/14/2020 3:01:58 PM
To: Chow, Rita [Chow.Rita@epa.gov]
CC: Villamizar, Nicole [Villamizar.Nicole@epa.gov]
Subject: DRAFT Agenda, Comments on Draft TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx, Discussion paper
Attachments: TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits.docx; Draft OLEM OAR Agenda TFI Petition Approval Sept 15 2020.docx; ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020.docx

Emily,
Greg said that we can share the attached documents with OAR. Can you please review them for any errors, just to make sure? Thanks, Caroline

Appointment

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/2/2020 7:40:49 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Celeste, Laurel [celeste.laurel@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]; Huff, Mark J [huff.markj@epa.gov]

Subject: FW: TFI request for alternative use of phosphogypsum
Location: Microsoft Teams Meeting

Start: 9/15/2020 2:00:00 PM
End: 9/15/2020 3:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, August 31, 2020 10:57 AM
To: Veal, Lee; Emmerson, Caroline; Peake, Tom; Schultheisz, Daniel; White, Rick
Cc: Coleman, Cheryl; Villamizar, Nicole; Chow, Rita; Starrs, Charles
Subject: TFI request for alternative use of phosphogypsum
When: Tuesday, September 15, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Discussion with OLEM/ORCR

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Good morning Lee and Tom,

We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

Thanks,

Caroline

Appointment

From: Emmerson, Caroline [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aafd8051883c48cdadd97e4c3f3c6307-Ahearn, Carolyne]
Sent: 9/1/2020 6:59:13 PM
To: Veal, Lee [Veal.Lee@epa.gov]

Subject: Accepted: TFI request for alternative use of phosphogypsum
Location: Microsoft Teams Meeting

Start: 9/15/2020 2:00:00 PM
End: 9/15/2020 3:00:00 PM
Show Time As: Busy

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/1/2020 6:55:19 PM
To: Davies, Lynne [Davies.Lynne@epa.gov]
Subject: RE: Introduction/TFI Request - Response requested by 4 pm today

Ex. 6 Personal Privacy (PP)

From: Davies, Lynne <Davies.Lynne@epa.gov>
Sent: Tuesday, September 01, 2020 9:20 AM
To: Housman, Van <Housman.Van@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Maxwell, Annette <Maxwell.Annette@epa.gov>
Subject: RE: Introduction/TFI Request - Response requested by 4 pm today

Thanks, Van! And, congrats to you, Caroline!

Lynne

From: Housman, Van <Housman.Van@epa.gov>
Sent: Tuesday, September 1, 2020 9:18 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; Maxwell, Annette <Maxwell.Annette@epa.gov>
Subject: Re: Introduction/TFI Request - Response requested by 4 pm today

Caroline, congrats on your detail. Our CDs only apply to "phosphogypsum stack systems" which include specific locations of gypstacks and connected ponds, berms, etc. We require all newly generated phosphogypsum to be disposed of within the system and on a lined surface within 5 years and meet closure and financial assurance requirements. However, there are no restrictions in our CDs for removing gypsum from the system as long its done in compliance with the facility's approved operating and closure plans.

There have been several instances where gypsum was removed for road base testing and this has not implicated our implementation of the CDs. if you would like to discuss further, please give me a call at Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) Van

Van Housman
National Program Manager
Mining and Mineral Processing
Office of Enforcement and Compliance Assurance
U.S. EPA (202) 564-0143

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 1:53 PM
To: Housman, Van <Housman.Van@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>
Subject: FW: Introduction/TFI Request - Response requested by 4 pm today

Good afternoon Lynne and Van,

I hope you are doing well. I started a new detail in OLEM two weeks ago and we are evaluating a request from the Fertilizer Institute involving use of phosphogypsum in government road construction. OAR has drafted the attached draft letter that would approve this request. Please see OAR's email below for additional information.

We are meeting with our Office Director about this matter today at 4 pm. Do you know if there are any restrictions in EPA CDs related to use of this material in road construction? Would the approved use of this material impact any pending cases?

Thanks in advance for any information you can provide.

Best regards,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

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Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air

Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/1/2020 6:52:49 PM
To: Housman, Van [Housman.Van@epa.gov]; Davies, Lynne [Davies.Lynne@epa.gov]; Maxwell, Annette [Maxwell.Annette@epa.gov]
Subject: RE: Introduction/TFI Request - Response requested by 4 pm today

Van,

Thanks Van and your response is very helpful. We are talking about the TFI request at staff level to prep for a meeting with the OLEM IO next week. I have some questions about the road base testing and I will send you a meeting request to have a call soon.

Best regards,

Caroline

From: Housman, Van <Housman.Van@epa.gov>
Sent: Tuesday, September 01, 2020 9:18 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; Maxwell, Annette <Maxwell.Annette@epa.gov>
Subject: Re: Introduction/TFI Request - Response requested by 4 pm today

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There have been several instances where gypsum was removed for road base testing and this has not implicated our implementation of the CDs. if you would like to discuss further, please give me a call at Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) Van

Van Housman
National Program Manager
Mining and Mineral Processing
Office of Enforcement and Compliance Assurance
U.S. EPA (202) 564-0143

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 1:53 PM
To: Housman, Van <Housman.Van@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>
Subject: FW: Introduction/TFI Request - Response requested by 4 pm today

Good afternoon Lynne and Van,

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Best regards,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

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Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 8/31/2020 5:19:03 PM
To: Mills, Jason [Mills.Jason@epa.gov]
Subject: FW: Introduction -- documents related to TFI request
Attachments: Appendix 1.pdf; Appendix 2 PG Risk Assessment- Final amended Oct 15-19.pdf

Jason,

Please see attached.

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, August 31, 2020 1:06 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
The attached files are from the initial October submission.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 12:23 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
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Can you please send us Appendix 1 and 2 of the document? These detail the specifics of the modeling conducted by industry.

Thanks,

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Hi Lee,

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Hi Caroline,

Are you planning to discuss any of the OLEM/ORCR equities, or is this a review of our materials?

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From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
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Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
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Good morning Lee and Tom,

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From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl

<Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
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Ex. 5 Deliberative Process (DP)

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Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

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> Thanks,
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<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

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Sent: 8/31/2020 5:18:24 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

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> Thanks,
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> Caroline
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> Caroline Emmerson
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Message

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To: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Villamizar, Nicole [Villamizar.Nicole@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]
Subject: RE: Update on TFI package

All,

How's this note to send forward? Thanks, Caroline

Draft note to Steven Cook:

Steven,

Ex. 5 Deliberative Process (DP)

We are happy to set up a call with you this week to broadly discuss our preliminary concerns while we are still reviewing these materials.

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Monday, August 31, 2020 10:17 AM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: RE: Update on TFI package

GM All,

Ex. 5 Deliberative Process (DP)

review by September 11th. Caroline is in the process of scheduling a follow up meeting with OAR the week of September 14th.

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, August 31, 2020 9:39 AM
To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick

<Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: FW: Update on TFI package

All –

Can ORCR review this and let me know if there are any edits to pass back to OAR? These are addressing radiation impacts from phosphogypsum use in road projects. By Wed. noon if possible.

Thanks

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 9:24 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: FW: Update on TFI package

Hi Steve,

Checking in to see if OLEM has any updates on the TFI phosphogypsum package. I understand OLEM has some equities here with waste management in communities with gypsum stacks.

Thank you, sir!

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 10:11 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Preston,

Attached is the letter to TFI and the current draft FR. There is one question remaining that we are working with OGC (a simple edit).

We also are having a conversation with OLEM/ORCR to continue and resolve. This is a CAA action; however, they work regularly with States on issues of waste management generally and have an interest in understanding this project and its associated risk assessment.

Lee

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www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

We have a final approval letter (signature by Anne), the Federal Register notice of availability and the 3 one-pagers/forms that go with those packages, and we are drafting the transmittal memo this afternoon. There is a new procedure for FR packages that involves a check in with OP/OFA, which we have started. I'm told that moves quickly but it is an essential step before sending it for signature. We had a few edits on the communications plan and are reviewing a revised version now. TFI has indicated a preference for holding on any press release at this time, but we will need communications materials just the same.

Unless you think otherwise, we will route the FR package and approval letter together for final review by OGC and ORIA IO in parallel, reconcile any edits and send a final complete package as soon as that concludes. This action is a priority for everyone involved, but I will need another day or two to complete all of the various parts and then ensure a smoother review and signature process.

Lee

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Message

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Sent: 9/14/2020 1:57:35 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
Subject: Draft OLEM OAR Agenda TFI Petition Approval Sept 15 2020.docx
Attachments: Draft OLEM OAR Agenda TFI Petition Approval Sept 15 2020.docx

Appointment

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 9/11/2020 5:48:08 PM
To: Cook, Steven [cook.steven@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]

Subject: FW: TFI request for alternative use of phosphogypsum
Location: Microsoft Teams Meeting

Start: 9/15/2020 2:00:00 PM
End: 9/15/2020 3:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, August 31, 2020 10:57 AM
To: Veal, Lee; Emmerson, Caroline; Peake, Tom; Schultheisz, Daniel; White, Rick
Cc: Coleman, Cheryl; Villamizar, Nicole; Chow, Rita; Starrs, Charles; Crossland, Andy; Elliott, Ross; Celeste, Laurel; Mills, Jason; Birchfield, Norman; Atagi, Tracy; Huff, Mark J; Cory, Preston; Harlow, David; Dominguez, Alexander; Edwards, Jonathan
Subject: TFI request for alternative use of phosphogypsum
When: Tuesday, September 15, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Discussion with OLEM/ORCR

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Good morning Lee and Tom,

We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

Thanks,

Caroline

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 10/29/2020 3:46:09 PM
To: Mcculloch, Christine (ENRD) [Christine.Mcculloch@usdoj.gov]
Subject: RE: Air Notice
Attachments: approval-other-use-phosphogypsum-epa-wheeler-to-tfi-14oct20.pdf

I was able to open the website and link. Here's the letter. You might have to change your browser.

From: Emmerson, Caroline
Sent: Thursday, October 29, 2020 11:01 AM
To: Mcculloch, Christine (ENRD) <Christine.Mcculloch@usdoj.gov>
Subject: RE: Air Notice

It's in the docket because I pulled it earlier and it should be there. I can look for it at noon.

From: Mcculloch, Christine (ENRD) <Christine.Mcculloch@usdoj.gov>
Sent: Thursday, October 29, 2020 10:48 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Air Notice

The link sent to a webpage that stated the "Webpage does not exist." **Ex. 6 Personal Privacy (PP)**

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Thursday, October 29, 2020 10:43 AM
To: Mcculloch, Christine (ENRD) <CMcculloch@ENRD.USDOJ.GOV>
Subject: RE: Air Notice

Hi Chris, the letter is on the EPA website, click on link below, Approval of TFI request letter from Administrator, 10/14/2020.

https://www.epa.gov/radiation/approval-other-uses-phosphogypsum-supporting-docum

---

From: Mcculloch, Christine (ENRD) <Christine.Mcculloch@usdoj.gov>
Sent: Thursday, October 29, 2020 10:33 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: Air Notice

Did you ever get a copy of the letter regarding use of phosphogypsum for road bed material? I have been unable to locate.

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 8/31/2020 4:20:22 PM
To: Mills, Jason [Mills.Jason@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

Hi Jason,

I will ask Tom Peake for this info.

Thanks,

Caroline

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Monday, August 31, 2020 12:15 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Caroline,

Upon further review, it appears that OAR neglected to share Appendix 1 and 2 of the document with us. These detail the specifics of the modeling conducted by industry. Instead, they shared their review of modeling.

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, August 26, 2020 12:00 PM
To: Atagi, Tracy <Atagi.Tracy@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: FW: Introduction -- documents related to TFI request

All,

Please see attached and below, and let me know how much time you think we need to review these documents and if there are any gaps for evaluating impacts to the waste program.

Thanks,

Caroline

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

TFI submitted an initial request in October 2019 and a revised request in April 2020. The TFI documents attached here are from the April submission. If you would like the October documents, I can send those in a separate email.

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

> On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:
>
> <image001.gif>
> Hi Lee,
>
> We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and
>
> **Ex. 5 Deliberative Process (DP)**
>
> Thanks,
>
> Caroline
>
> Caroline Emmerson
> Acting Associate Division Director
> RCSD/OLEM

Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

We've worked closely with OGC and have developed a final draft approval letter for our AA. She has indicated that she would like to make this approval. As we discussed this possibility, we thought we should check in with OLEM, particularly ORCR or those working on beneficial reuse programs.

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 8/26/2020 3:59:47 PM
To: Atagi, Tracy [Atagi.Tracy@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Birchfield, Norman [Birchfield.Norman@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]
Subject: FW: Introduction -- documents related to TFI request
Attachments: 4-7-2020 PG Petition.pdf; Appendix 3 - Metals Risk Screening.pdf; Appendix 4a - Response to Jan 16 2020 Questions.pdf; Appendix 4b - Response to Second Set of EPA Questions.pdf; Appendix 5 - Sampling Report.pdf; Appendix 6 - Economic Report.pdf; Appendix 7 - Location of PG Stacks.pdf; Appendix 8 - Administrative Record.pdf; Attachment A - Road Specs.pdf; Phosphogypsum_risk_technical_summary_full_Markup_8-21-2020 no comments.docx; 1992 Subpart R BID.PDF; PG Risk Assessment Review - final.pdf

All,

Please see attached and below, and let me know how much time you think we need to review these documents and if there are any gaps for evaluating impacts to the waste program.

Thanks,

Caroline

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

TFI submitted an initial request in October 2019 and a revised request in April 2020. The TFI documents attached here are from the April submission. If you would like the October documents, I can send those in a separate email.

I have attached multiple documents from the TFI request, including the risk assessment that is embedded in the file 4-7-2020 PG Petition. Note the contaminants of concern in the risk assessment are radium and radon, as those are the basis for the Clean Air Act NESHAP regulation at 40 CFR part 61, Subpart R. However, we did discuss with TFI that we had a general concern beyond our regulatory purview related for other contaminants. As a result TFI did a metals analysis and that is included.

Attached is the 1992 EPA BID for the rule that has multiple analyses, including the groundwater pathway for different uses. For roads, the determination was made in 1992 that the groundwater pathway was not important to exposures per the rule. The draft EPA staff technical review of the TFI work references the 1992 BID. I have also included a contractor report by SCA that reviewed the TFI risk assessment.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

<image001.gif>
Hi Lee,

We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and
discussed it with the ORCR/OLEM Division Directors. We have some concerns with the draft approval and need additional information before we can advise upper management
and respond to questions. Please let me know when you some time to discuss this matter.

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

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assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 8/26/2020 2:11:17 PM
To: Atagi, Tracy [Atagi.Tracy@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]
CC: Birchfield, Norman [Birchfield.Norman@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]
Subject: RE: Phosphogypsum in Roadways

All,

Lee Veal and Tom Peake from OIRA will send us the risk assessment information from TFI and OAR's review documents. This could be a very large set of documents. We will then set up a meeting with OAR to discuss our concerns and questions. I will do my best to get as much time as possible for us to review these materials.

Thanks,

Caroline

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Wednesday, August 26, 2020 9:50 AM
To: Mills, Jason <Mills.Jason@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Cc: Birchfield, Norman <Birchfield.Norman@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: RE: Phosphogypsum in Roadways

Thanks, Jason! Very helpful. I'll pass this along to Ross and Andy.

From: Mills, Jason <Mills.Jason@epa.gov>
Sent: Wednesday, August 26, 2020 9:48 AM
To: Atagi, Tracy <Atagi.Tracy@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Cc: Birchfield, Norman <Birchfield.Norman@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: RE: Phosphogypsum in Roadways

Tracy,

To address Ross's other questions:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Jason Mills, P.E.
Phone: (703) 305-9091
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
United States Environmental Protection Agency

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Wednesday, August 26, 2020 7:25 AM
To: Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Cc: Birchfield, Norman <Birchfield.Norman@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: FW: Phosphogypsum in Roadways

Ex. 5 Deliberative Process (DP)

Thanks!

From: Elliott, Ross <Elliott.Ross@epa.gov>
Sent: Tuesday, August 25, 2020 3:07 PM
To: Atagi, Tracy <Atagi.Tracy@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Young, Jessica <Young.Jessica@epa.gov>
Subject: RE: Phosphogypsum in Roadways

Couple questions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Tuesday, August 25, 2020 2:06 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>
Cc: Young, Jessica <Young.Jessica@epa.gov>
Subject: Phosphogypsum in Roadways
Importance: High

Hi all –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Emmerson, Caroline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AAFD8051883C48CDADD97E4C3F3C6307-AHEARN, CAROLYNE]
Sent: 8/26/2020 12:12:27 PM
To: Atagi, Tracy [Atagi.Tracy@epa.gov]; Chow, Rita [Chow.Rita@epa.gov]; Mills, Jason [Mills.Jason@epa.gov]
CC: Birchfield, Norman [Birchfield.Norman@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]
Subject: RE: Phosphogypsum in Roadways

Thanks Tracy. After meeting with Kathleen and Greg yesterday, I contacted Lee Veal (OIRA, Div. Dir.) to let her know that we have concerns and questions about the draft approval. I am talking with her at 8:30 am and I will let you know next steps.

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Wednesday, August 26, 2020 7:25 AM
To: Chow, Rita <Chow.Rita@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Cc: Birchfield, Norman <Birchfield.Norman@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: FW: Phosphogypsum in Roadways

Ex. 5 Deliberative Process (DP)

Thanks!

From: Elliott, Ross <Elliott.Ross@epa.gov>
Sent: Tuesday, August 25, 2020 3:07 PM
To: Atagi, Tracy <Atagi.Tracy@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Young, Jessica <Young.Jessica@epa.gov>
Subject: RE: Phosphogypsum in Roadways

Couple questions.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Atagi, Tracy <Atagi.Tracy@epa.gov>
Sent: Tuesday, August 25, 2020 2:06 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>
Cc: Young, Jessica <Young.Jessica@epa.gov>
Subject: Phosphogypsum in Roadways
Importance: High

Hi all –

Heads up on a solid waste/beneficial use issue that may need to be quickly elevated. Andy/Ross, if you agree, then you may wish to talk with Caroline Emmerson to help back her up.

Ex. 5 Deliberative Process (DP)

Caroline is going to draft a note to Kathleen and Greg on this issue – I'll keep you updated as things develop.

Message

From: Cory, Preston [Cory.Preston@epa.gov]
Sent: 9/11/2020 1:09:27 PM
To: Idsal, Anne [idsal.anne@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: FW: Update on TFI package

FYI

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Thursday, September 10, 2020 5:54 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Subject: RE: Update on TFI package

Preston,

We're looking into this. **Ex. 5 DPP/ACC**

Adam

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, September 10, 2020 11:33 AM
To: Gustafson, Adam <Gustafson.Adam@epa.gov>
Subject: FW: Update on TFI package

Adam,

I wanted to flag the below with you. Any concerns with AAW signing the TFI letter/ FR notice?

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 9, 2020 5:46 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Update on TFI package

Good afternoon Preston,

It seems like a good time to check in with you on a couple of things related to the Fertilizer Institute (TFI) package.

Ex. 5 DPP/ACC

2. Do you, David or Alex have any further changes to the drafts or any questions?
3. Just a reminder: Our call with OLEM is on Tuesday, 9/15 at 10am.

Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

We have a final approval letter (signature by Anne), the Federal Register notice of availability and the 3 one-pagers/forms that go with those packages, and we are drafting the transmittal memo this afternoon. There is a new procedure for FR packages that involves a check in with OP/OFA, which we have started. I'm told that moves quickly but it is an essential step before sending it for signature. We had a few edits on the communications plan and are reviewing a revised version now. TFI has indicated a preference for holding on any press release at this time, but we will need communications materials just the same.

Unless you think otherwise, we will route the FR package and approval letter together for final review by OGC and ORIA IO in parallel, reconcile any edits and send a final complete package as soon as that concludes. This action is a priority for everyone involved, but I will need another day or two to complete all of the various parts and then ensure a smoother review and signature process.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Cook, Steven [cook.steven@epa.gov]
Sent: 8/31/2020 6:25:58 PM
To: Idsal, Anne [idsal.anne@epa.gov]
CC: Cory, Preston [Cory.Preston@epa.gov]; Harlow, David [harlow.david@epa.gov]
Subject: RE: Update on TFI package

Anne –

Absolutely – thought you might. I have read it. My calendar is up to date. From Wed. afternoon on, I will be out West for Ex. 6 Personal Privacy (PP) so difficult to get hold of.

Steven

From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Monday, August 31, 2020 2:24 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Re: Update on TFI package

Steven,

Do you mind if Preston and I find some time to give you a call on this?

Thanks,
Anne

Anne L. (Idsal) Austin
Principal Deputy Assistant Administrator - Office of Air and Radiation
U.S. EPA

On Aug 31, 2020, at 2:21 PM, Cook, Steven <cook.steven@epa.gov> wrote:

Preston –

That explains why my folks are asking for a bit more time. They indicate that they first received information on this around Aug. 21 and plan to complete review by Sept. 11 and are reaching out to OAR to set up a meeting to discuss the week of Sept.14 – will that work?

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 2:17 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: Update on TFI package

It did not.

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, August 31, 2020 12:16 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: Update on TFI package

Preston –

Did this go through internal agency ADP process?

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 9:40 AM
To: Cook, Steven <cook.steven@epa.gov>
Cc: Harlow, David <harlow.david@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: Update on TFI package

Yes- that should be just fine. Adding Anne and David for their awareness.

From: Cook, Steven <cook.steven@epa.gov>
Sent: Monday, August 31, 2020 9:39 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Subject: RE: Update on TFI package

Preston –

Let me check with ORCR. Can I have until Noon on Wed.?

Steven

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Monday, August 31, 2020 9:24 AM
To: Cook, Steven <cook.steven@epa.gov>
Subject: FW: Update on TFI package

Hi Steve,

Checking in to see if OLEM has any updates on the TFI phosphogypsum package. I understand OLEM has some equities here with waste management in communities with gypsum stacks.

Thank you, sir!

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 10:11 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne

<idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Preston,

Attached is the letter to TFI and the current draft FR. There is one question remaining that we are working with OGC (a simple edit).

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

We have a final approval letter (signature by Anne), the Federal Register notice of availability and the 3 one-pagers/forms that go with those

packages, and we are drafting the transmittal memo this afternoon. There is a new procedure for FR packages that involves a check in with OP/OFA, which we have started. I'm told that moves quickly but it is an essential step before sending it for signature. We had a few edits on the communications plan and are reviewing a revised version now. TFI has indicated a preference for holding on any press release at this time, but we will need communications materials just the same.

Unless you think otherwise, we will route the FR package and approval letter together for final review by OGC and ORIA IO in parallel, reconcile any edits and send a final complete package as soon as that concludes. This action is a priority for everyone involved, but I will need another day or two to complete all of the various parts and then ensure a smoother review and signature process.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Gustafson, Adam [Gustafson.Adam@epa.gov]
Sent: 8/11/2020 11:05:08 PM
To: Idsal, Anne [idsal.anne@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: Rough DRAFT of TFI Letter on Phosphogypsum Alternative Use in Road Construction as of Aug.10

Anne,

Thank you for sending this. I had not yet seen the draft. Ex. 5 Attorney Client (AC)
Ex. 5 Attorney Client (AC) and have requested an OGC meeting Wednesday or Thursday so I'll be prepared to discuss with you.

Adam

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Tuesday, August 11, 2020 3:20 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Gustafson, Adam <Gustafson.Adam@epa.gov>
Subject: FW: Rough DRAFT of TFI Letter on Phosphogypsum Alternative Use in Road Construction as of Aug.10

Adam,

I'd like to discuss this with you by the end of the week if possible.

Best,
Anne

From: Idsal, Anne
Sent: Tuesday, August 11, 2020 11:24 AM
To: Preston Cory (Katherine) (Cory.Preston@epa.gov) <Cory.Preston@epa.gov>; David Harlow (harlow.david@epa.gov) <harlow.david@epa.gov>
Subject: FW: Rough DRAFT of TFI Letter on Phosphogypsum Alternative Use in Road Construction as of Aug.10

FYI. Let's discuss in the next day or so.

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Monday, August 10, 2020 4:34 PM
To: Idsal, Anne <idsal.anne@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>
Subject: Rough DRAFT of TFI Letter on Phosphogypsum Alternative Use in Road Construction as of Aug.10

DELIBERATIVE

Anne-- As we discussed on the phone, here is our current draft of EPA letter to The Fertilizer Institute on alternative use of phosphogypsum in roadbeds. Here are important considerations with this draft:

Ex. 5 Deliberative Process (DP)

---Jon

Message

From: Bolen, Brittany [bolen.brittany@epa.gov]
Sent: 10/14/2020 2:07:28 PM
To: Ex. 6 Administrator
CC: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: Sign Today - TFI Phosphogypsum
Attachments: 10014-36-OAR NESHAP Subpart R Approval TFI Request Other Use Phosphogypsum FRN_09212020 mvf edits 10.6.20_Admin.docx

Administrator –

Attached for your electronic signature is the Approval of TFI Request to Use Phosphogypsum. Please digitally sign this file using Word then email it back to me.

Thank you,

Brittany

Appointment

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 9/22/2020 7:03:11 PM
To: Ex. 6 Personal Privacy (PP) .Calendar Ex. 6 Personal Privacy (PP) Wheeler.Calendar@epa.gov]

Subject: Accepted: Briefing: Fertilizer Institute Phosphogypsum
Location: Administrator's Office/Conference Call Ex. 6 Personal Privacy (PP)

Start: 9/23/2020 7:00:00 PM
End: 9/23/2020 7:30:00 PM

Recurrence: (none)

Appointment

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 9/22/2020 3:59:29 PM
To: Ex. 6 Personal Privacy (PP) Calendar Ex. 6 Personal Privacy (PP) Wheeler.Calendar@epa.gov]

Subject: Accepted: Briefing: Fertilizer Institute Phosphogypsum
Location: Administrator's Office/ Conference Call Ex. 6 Personal Privacy (PP)

Start: 9/23/2020 8:00:00 PM
End: 9/23/2020 8:30:00 PM

Recurrence: (none)

Appointment

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 9/16/2020 3:48:24 PM
To: Ex. 6 Personal Privacy (PP) .Calendar Ex. 6 Personal Privacy (PP) Wheeler.Calendar@epa.gov]

Subject: Accepted: Briefing: Fertilizer Institute Phosphogypsum
Location: Administrator's Office/ Conference Call Ex. 6 Personal Privacy (PP)

Start: 9/23/2020 8:30:00 PM
End: 9/23/2020 9:00:00 PM

Recurrence: (none)

Message

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 9/11/2020 6:25:37 PM
To: Cory, Preston [Cory.Preston@epa.gov]
Subject: Fwd: Fertilizer Institute Phosphogypsum Briefing

Please be sure to add Adam G. to this as well.

Anne L. (Idsal) Austin
Principal Deputy Assistant Administrator - Office of Air and Radiation
U.S. EPA

Begin forwarded message:

> **From:** "Edwards, Jonathan" <Edwards.Jonathan@epa.gov>
> **Date:** September 11, 2020 at 2:11:04 PM EDT
> **To:** "Idsal, Anne" <idsal.anne@epa.gov>
> **Cc:** "Hyman, Alana" <Hyman.Alana@epa.gov>, "Cory, Preston" <Cory.Preston@epa.gov>, "Scott, Corey" <scott.corey@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Veal, Lee" <Veal.Lee@epa.gov>, "Harlow, David" <harlow.david@epa.gov>, "Cherepy, Andrea" <Cherepy.Andrea@epa.gov>
> **Subject: Re: Fertilizer Institute Phosphogypsum Briefing**
>
> Anne— I recommend that we add our OGC attorney Charles Starrs to the invite since he's been integral to the activity and very helpful. OK with you?—Jon
>
> Sent from my iPhone
>
>> On Sep 11, 2020, at 2:03 PM, Idsal, Anne <idsal.anne@epa.gov> wrote:
>>
>> I think 30 minutes should do it, preferably by Friday, September 25th.
>>
>> Anne L. (Idsal) Austin
>> Principal Deputy Assistant Administrator - Office of Air and Radiation
>> U.S. EPA
>>
>>> On Sep 11, 2020, at 1:59 PM, Hyman, Alana <Hyman.Alana@epa.gov> wrote:
>>>
>>> Do you have a timeframe of when it need to be scheduled by? Length of time for this briefing?
>>>
>>> **Alana Hyman**
>>> Executive Assistant/Scheduler to the Administrator
>>> Office of the Administrator
>>> U.S. Environmental Protection Agency

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Friday, September 11, 2020 1:30 PM
To: Hyman, Alana <Hyman.Alana@epa.gov>
Cc: Scott, Corey <scott.corey@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Harlow, David <harlow.david@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: Fertilizer Institute Phosphogypsum Briefing

Alana,

OAR would like to schedule a briefing with the Administrator on the Fertilizer Institute's request under 40 CFR Part 61, Subpart R to use phosphogypsum in roads. Please include everyone CCed on this email in the invitation- we will send briefing materials along soon.

Many thanks,
Preston

K. Preston Cory
Office of Air and Radiation
U.S. Environmental Protection Agency
Office: 202-564-0137
Cell: 202-924-2465
cory.preston@epa.gov

Message

From: Idsal, Anne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B1BECA8121FB47A08E82B6BF2247A79B-IDSAL, ANNE]
Sent: 9/11/2020 4:06:40 PM
To: Cory, Preston [Cory.Preston@epa.gov]
CC: Harlow, David [harlow.david@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Re: Update on TFI package

Please do.

Anne L. (Idsal) Austin
Principal Deputy Assistant Administrator - Office of Air and Radiation
U.S. EPA

On Sep 11, 2020, at 11:56 AM, Cory, Preston <Cory.Preston@epa.gov> wrote:

Anne, David, and Alex,

Are you ok with this moving forward for signature? I am happy to give ORIA the go-ahead. Just let me know.

Thanks,
Preston

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Friday, September 11, 2020 11:38 AM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Rich, Stephanie <Rich.Stephanie@epa.gov>
Subject: RE: Update on TFI package

Preston,

Ex. 5 Attorney Client (AC)

Adam

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency

Office: 202-564-7263
Cell: 202-836-3570

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, September 10, 2020 11:33 AM
To: Gustafson, Adam <Gustafson.Adam@epa.gov>
Subject: FW: Update on TFI package

Adam,

I would
I wanted to flag the below with you. Ex. 5 Attorney Client (AC)

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 9, 2020 5:46 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Update on TFI package

Good afternoon Preston,

It seems like a good time to check in with you on a couple of things related to the Fertilizer Institute (TFI) package.

Ex. 5 DPP/ACC

Ex. 5 DPP/ACC

2. Do you, David or Alex have any further changes to the drafts or any questions?
3. Just a reminder: Our call with OLEM is on Tuesday, 9/15 at 10am.

Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

We have a final approval letter (signature by Anne), the Federal Register notice of availability and the 3 one-pagers/forms that go with those packages, and we are drafting the transmittal memo this afternoon. There is a new procedure for FR packages that involves a check in with OP/OFA, which we have started. I'm told that moves quickly but it is an essential step before sending it for signature. We had a few edits on the

communications plan and are reviewing a revised version now. TFI has indicated a preference for holding on any press release at this time, but we will need communications materials just the same.

Unless you think otherwise, we will route the FR package and approval letter together for final review by OGC and ORIA IO in parallel, reconcile any edits and send a final complete package as soon as that concludes. This action is a priority for everyone involved, but I will need another day or two to complete all of the various parts and then ensure a smoother review and signature process.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 8/24/2020 3:03:02 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Diaz, Charlene [diaz.charlene@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Final draft TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 19(fromLV)(CStar-Aug242020).docx

Lee:

Sorry, I left early on Friday and did not have time to look at the additional changes/questions. I have replied to your comments (and the suggested additional language) in the attached.

Please feel free to call if you have any other questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 4:46 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Final draft TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Charles,

Thank you. Your edits are all good and I've accepted them in this document.

Ex. 5 DPP/ACC

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Friday, August 21, 2020 3:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>;

Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Final draft TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Lee: Ex. 5 Attorney Client (AC) Please see the attached.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 19, 2020 2:53 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>
Subject: Final draft TFI letter

Hi,

Thank you for your work on this letter. Here is a clean final copy with your edits accepted and comments removed from the margins. I made two edits:

Ex. 5 Deliberative Process (DP)

I renamed this file using today's date. Obviously the actual letter will be dated after today and we can adjust the filename accordingly.

Unless you have feedback that my edits are wrong, we can start routing this for a final copy. Please let me know if those two edits are good.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Lee, Raymond [Lee.Raymond@epa.gov]
Sent: 7/20/2020 8:53:04 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
CC: Rustick, Joseph [rustick.joseph@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Perfect – thank you all! I'll send this along.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, July 20, 2020 4:52 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ray,

I'd like to edit the response in this way please Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 20, 2020 2:27 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Thanks Tom!

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 20, 2020 1:57 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Revised response:

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, July 20, 2020 1:43 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ray and Tom,

Ex. 5 Deliberative Process (DP)

Could you shoot me what we have in a final draft please?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 20, 2020 1:39 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ray,
I modified our current draft letter response slightly to use here.
How is this:

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations

phone: 202-343-9765
cell phone: 202-465-5904

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 20, 2020 12:42 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Hi guys,

I pinged Jon W. again this morning, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Thanks,

Ray

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Monday, July 20, 2020 8:59 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Good morning Ray,
OCIR is looking for the status on this one.
Thanks!
Kristina

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Thursday, July 16, 2020 10:45 AM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Yep Kristina – I haven't forgotten!

Ex. 5 Deliberative Process (DP)

You can expect something by the end of today, or at the very latest COB tomorrow.

Thanks,

Ray

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Thursday, July 16, 2020 10:38 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>

Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Hi Ray,
Just checking in on a status update for this one.
Thanks!
Kristina

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 3:52 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Absolutely, Kristina – we've been working on the TFI stuff for many months now and will forward this to them for a response/status update.

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Monday, July 13, 2020 12:51 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Happy Monday Ray!
Can you do some digging and see if there is anything we can share with Rubio's office?
Thanks!
Kristina

From: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Sent: Monday, July 13, 2020 12:48 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Subject: Senator Rubio inquiry on Phosphogypsum

Hi Kristina,
Below is an inquiry from Sen Rubio's office. I think it has something to do with radioactive material from fertilizer production (https://www.epa.gov/radtown/radioactive-material-fertilizer-production). Would you please find out what can be shared with his office? Can you share feedback by the end of the week? I don't have the sense there's a rush, but I think we want to be responsive.

Thanks – Karen.

The Fertilizer Institute submitted a petition to allow reuse of phosphogypsum in roadbed, I understand it's currently under consideration. A constituent asked about its status in the process, is that's something that can be shared?

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 8/14/2020 3:16:46 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Charles:

Just checking to see if there is further feedback from OGC management or intent to revise the latest version of the letter. Or you have other questions that we have not responded to. FYI, Jon Edwards forwarded that version to Anne on Wednesday evening. Thanks.

Dan

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, August 13, 2020 7:52 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Charles,

Ex. 5 DPP/ACC

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, August 12, 2020 4:42 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Tom:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Charles

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, August 11, 2020 3:51 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>
Cc: Starrs, Charles <Starrs.Charles@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: Latest TFI letter as of August 11, 3:45 pm

All,
I got an updated version of the TFI letter from Charles around lunchtime. Thank you, Charles.

Ex. 5 Deliberative Process (DP)

There may still be some changes, but please use this version as the baseline for the changes. If you do have edits, please accept all changes first and then make your edits or at least highlight them to make it easier to find your new changes. Thanks.
Rick, I leave it up to you if you want to share this with Jon E today.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/21/2020 8:45:39 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Diaz, Charlene [diaz.charlene@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Final draft TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 19(fromLV)(CStar-Aug212020).docx

Charles,

Thank you. Your edits are all good and I've accepted them in this document.

Ex. 5 DPP/ACC

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Friday, August 21, 2020 3:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Final draft TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Lee: **Ex. 5 Attorney Client (AC)** Please see the attached.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 19, 2020 2:53 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>
Subject: Final draft TFI letter

Hi,

Thank you for your work on this letter. Here is a clean final copy with your edits accepted and comments removed from the margins. I made two edits:

Ex. 5 Deliberative Process (DP)

I renamed this file using today's date. Obviously the actual letter will be dated after today and we can adjust the filename accordingly.

Unless you have feedback that my edits are wrong, we can start routing this for a final copy. Please let me know if those two edits are good.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 6/4/2020 12:48:36 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Draft TFI Conditional Approval: Privileged attorney client communication

Thanks. This is very helpful in parsing some of the nuances.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, June 03, 2020 12:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Draft TFI Conditional Approval: Privileged attorney client communication

Ex. 5 Attorney Client (AC)

I hope this might be helpful to your on-going discussions. If you prefer that I focus on providing advice on a particular draft decision or response letter, please let me know. As always, I am happy to continue to discuss these issues with you and address any questions you may have.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, June 01, 2020 2:49 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Draft TFI Conditional Approval

Charles:

Ex. 5 Attorney Client (AC)

Dan

From: Schultheisz, Daniel
Sent: Monday, June 01, 2020 9:50 AM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: Draft TFI Conditional Approval

Ex. 5 Deliberative Process (DP)

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/21/2020 6:21:05 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: TFI letter
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 20.docx

Hi Charles,

Ex. 5 Attorney Client (AC)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 6/3/2020 4:11:22 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Draft TFI Conditional Approval: Privileged attorney client communication
Attachments: Options paper(drftJune3,2020).docx

Ex. 5 Attorney Client (AC)

I hope this might be helpful to your on-going discussions. If you prefer that I focus on providing advice on a particular draft decision or response letter, please let me know. As always, I am happy to continue to discuss these issues with you and address any questions you may have.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA

202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, June 01, 2020 2:49 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Draft TFI Conditional Approval

Charles:

Ex. 5 Attorney Client (AC)

Dan

From: Schultheisz, Daniel
Sent: Monday, June 01, 2020 9:50 AM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: Draft TFI Conditional Approval

Ex. 5 Deliberative Process (DP)

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/11/2020 2:14:56 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: FW: Discussion Paper re: TFI package - for 3pm 9/10 call
Attachments: Draft ORCR Issue Paper_Use of Phosphogypsum in Road Construction.docx

Tom and Dan,

Ex. 5 Deliberative Process (DP)

Chat with you soon.

Thanks
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Sent: Thursday, September 10, 2020 5:19 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Discussion Paper re: TFI package - for 3pm 9/10 call

Ex. 5 Deliberative Process (DP)

From: Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Sent: Wednesday, September 9, 2020 6:18 PM
To: Cook, Steven <cook.steven@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Mills, Jason <Mills.Jason@epa.gov>
Subject: Discussion Paper re: TFI package - for 3pm 9/10 call

Hi Steven,

Ex. 5 Deliberative Process (DP)

Thanks,
Nicole

Nicole L. Villamizar, Chief
Materials Management Branch
U.S. EPA Office of Resource Conservation & Recovery
1200 Pennsylvania Ave., N.W. (MC 5306P)
Washington, DC 20460
Tel: (703) 347-8952
Fax: (703) 605-0595

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 9/18/2020 6:56:01 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Latest Documents
Attachments: TFI response-Press Release_9-11(fromLV,Sep18,2020)(CStar-Sep19.2020).docx; TFI response-Approval_1-pager_9-18-2020(fromLV,Sep18,2020)(CStar,Sep18,2020).docx; TFI response-Comms Plan_9-11-20(fromLV,Sep18,2020)(CStar-Sep18,2020).docx

Lee:

I have (somewhat quickly) reviewed or re-reviewed the materials. **Ex. 5 Attorney Client (AC)** attached items.

Please do not hesitate to call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, September 18, 2020 11:35 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Latest Documents

Hi,

Thanks for your comments, edits etc. on the TFI materials. I made the changes that we discussed, updated filenames to today's date, and updated Tom's checklist. That is a helpful tool.

Here is a complete copy of everything, including these items:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if these changes match your comments. I have a couple of must-dos this afternoon and won't be able to attend to things until probably 4pm or later. If you are comfortable with this set of documents, I recommend that you accept changes, adjust any unintended errors and send it all on to Jon Edwards with a cc to Andrea, me, and each other. Patricia can put the two memos onto letterhead once we have all comments.

Thanks

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

TFI Approval Package Checklist and Status Date: September 18 am

Item	Status	Who has the pen?
Approval Letter	Ex. 5 Deliberative Process (DP)	LV no changes
Administrator briefing 1 pager		Distributed to OARIO
Federal Register Notice		LV no changes
Action Memo from Anne Austin to the Administrator		LV redline 0918
Need to send an email with the process of signing the FR but need to add the date of letter signing		
Transmittal memo from Jon E to Anne	Ex. 5 Deliberative Process (DP)	LV redline 0918
TFI Approval 1-pager		LV redline 0918
TFI Press Release		ORIA IO
TFI Communications Plan		
General use and web pages		ORIA IO
Reserved Q & A for RPD		Done
TFI Approval Action Information Form		LV redline 0918
Typesetting request and the accounting screen		--
Technical review document		Jon W and Joe

Message

From: Edwards, Jonathan [Edwards.Jonathan@epa.gov]
Sent: 9/23/2020 8:52:29 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Holden, Patricia [Holden.Patricia@epa.gov]
CC: Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]; Marbury, Candice [Marbury.Candice@epa.gov]
Subject: FW: Final TFI package
Attachments: Action Memo TFI Petition Approval Austin to Wheeler Sept 21 2020.docx; CQR072.pdf; FR Typesetting TFI_.pdf; NESHAP Subpart R Approval TFI Request Other Use Phosphogypsum FRN_09212020.docx; TFI Approval Action Information Form 9-21-2020 .doc; TFI approval letter on AD Letterhead Sept 21 2020.docx; TFI response-Comms Plan_09 21 2020 .docx; TFI response-Press Release_09 21 2020 .docx; TFI_Approval_1-pager_9-21-2020 .docx; Transmittal memo Edwards to Austin TFI PG Request 9212020_ODsigned.pdf

Lee and Patricia--- Here is the final TFI package with the signed OD transmittal letter to Anne. Please upload package into CMS and transmit forward to OAR front office. Thanks--Jon

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, September 21, 2020 5:30 PM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: Cherepy, Andrea <Cherepy.Andrea@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Marbury, Candice <Marbury.Candice@epa.gov>
Subject: Final TFI package

Hi Jon,

Ex. 5 Deliberative Process (DP)

I think that this is ready for your signature on the Transmittal Memo to Anne, when you are ready. The Administrator's brief is not until Wednesday, 9/23, so the approval is still deliberative as of today. He may have changes, and we can address those that that time. CRIO provided OAR Comms with an advance courtesy copy of the communications materials.

Let me know if you need any further help. We'll be using Adobe electronic signatures. If you could, please add in the date for the transmittal memo before adding your signature. Thanks

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: White, Rick [White.Rick@epa.gov]
Sent: 8/13/2020 2:07:12 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Ex. 5 Deliberative Process (DP)

Rick

From: Schultheisz, Daniel
Sent: Thursday, August 13, 2020 9:22 AM
To: Peake, Tom <Peake.Tom@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, August 13, 2020 9:07 AM
To: White, Rick <White.Rick@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Ex. 5 Deliberative Process (DP)

From: White, Rick <White.Rick@epa.gov>
Sent: Thursday, August 13, 2020 8:51 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Tom-

Ex. 5 Deliberative Process (DP)

Thanks.

Rick

From: Peake, Tom
Sent: Thursday, August 13, 2020 7:52 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Charles,

Ex. 5 Attorney Client (AC)

Also, FYI, Jon shared the August 11 pm version of the letter with Anne.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, August 12, 2020 4:42 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Tom:

Ex. 5 Attorney Client (AC)

Charles

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, August 11, 2020 3:51 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>
Cc: Starrs, Charles <Starrs.Charles@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: Latest TFI letter as of August 11, 3:45 pm

All,
I got an updated version of the TFI letter from Charles around lunchtime. Thank you, Charles.
I had some formatting edits from Stephanie that I included and couple of word changes, including in a long sentence at the top of page 4.
There may still be some changes, but please use this version as the baseline for the changes. If you do have edits, please accept all changes first and then make your edits or at least highlight them to make it easier to find your new changes. Thanks.
Rick, I leave it up to you if you want to share this with Jon E today.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Lee, Raymond [Lee.Raymond@epa.gov]
Sent: 8/20/2020 7:14:23 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Introduction

I haven't seen any guidance on that update to her sig block yet, but let me double check.

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, August 20, 2020 3:00 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: Introduction

Shouldn't Anne's signature block have her new last name?

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, August 20, 2020 12:59 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction

All,
Here is the updated draft FR notice. It has input from Ray and myself and is ready for initial review by management.

Ex. 5 Deliberative Process (DP)

Once management is comfortable with this approach to the FR notice, we can flow any necessary language and information down to the comms materials.

Thanks,
Jon

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Thursday, August 20, 2020 12:29 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction

All: I'm happy to lend the draft comms plan for some plain language on TFI, expected approval actions, and background related text. Please let me know if the attached is sufficient or if there is any other support that I can lend. Note that highlighted sections in the attached will need to be reviewed to ensure consistency between the comms plan, FR, and letter coming from Anne.

I hope this is helpful,
Stefanie

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, August 20, 2020 12:04 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction

Jon,

+Jess and Rick

Charles had some comments about the FR notice if memory serves.

Ex. 5 Deliberative Process (DP)

Once we have content, the format stuff can be folded in. With your pending vacation next week, it is best to wrap that up first please.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, August 20, 2020 9:56 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Rustick, Joseph <rustick.joseph@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: Introduction

Lee,

Glad you asked. Ray Lee currently has the pen to help me fill in the routine sections, but I was going to check with Tom and Dan about the content.

The only hard requirement for the notice of availability is a one-paragraph plain language summary statement.

Ex. 5 Deliberative Process (DP)

Jon

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, August 20, 2020 9:47 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: FW: Introduction

FYI

Jon – when you have a moment, please share the draft FR. I understand that you won't be done until Friday, but with your vacation next week, I'd like to see something before COB Friday in case I have questions or need info.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Veal, Lee
Sent: Thursday, August 20, 2020 9:37 AM
To: Belser, Evan <Belser.Evan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: Introduction

Hi Evan,

I'd like to introduce myself to you and seek a quick consultation.

Ex. 5 Deliberative Process (DP)

Would you like to have a conversation about this action?

Lee

Lee Ann B. Veal

Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 7/20/2020 4:32:49 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
CC: Stuenkel, David [Stuenkel.David@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: updated TFI conditions--some edits to the file for consideration
Attachments: TFI - Draft Terms and Conditions -7-20-2020.docx; TFI - Draft Terms and Conditions Table -7-20-2020.docx

Hi,

Here are the two files – which I think that I copied you on successfully, but nonetheless, here you go.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 20, 2020 11:09 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

All,
Lee is taking the table with the edits I made and Dan's comments on Jon W's Friday version of the table Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, July 20, 2020 9:13 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 20, 2020 8:53 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

Jon,
Thanks.

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Friday, July 17, 2020 11:15 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: updated TFI conditions

The "notes" column is not as fully populated as it needs to be before we transmit this to OAR, but this version should reflect the major changes we identified this afternoon and be ready for Jon and Andrea's review on Monday.

- J

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 9/17/2020 9:17:51 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Revised TFI Documents
Attachments: transmittal memo Edwards to Austin TFI PG Request 9-17-2020(redline)(CStar-Sep17,2020).docx

I doubt I will have much time (if any) this evening to look at all of this material, but I took at quick look at the transmittal memo (partly because you indicated you want to finalize that by tomorrow morning). I had a couple of edits (see attached, redline version).

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, September 17, 2020 4:28 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

Hi,

Attached is a redline and a CLEAN draft of the transmittal memo from Jon to Anne. Please double check that I didn't do any damage as I made a couple of changes. I'll send to Patricia and she can place this on OAR letterhead early tomorrow morning.

Thanks
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, September 17, 2020 3:59 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

This time with the documents, for those of you with more limited clairvoyance or imagination.

From: Schultheisz, Daniel
Sent: Thursday, September 17, 2020 3:24 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Revised TFI Documents

As we discussed this morning, I have updated/edited three of the TFI documents, as described below.

Ex. 5 DPP/ACC

Barring further significant changes, these should be ready to forward to Jon by the end of the week. Please let me know if you have questions. Thanks.

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 5/26/2020 6:46:26 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, May 26, 2020 2:39 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan,

Thank you. This is helpful. Tell me if I have this right:

Ex. 5 DPP/ACC

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, May 26, 2020 1:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>

Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Response from Charles. He will not be able to review the draft today, Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC) Thanks.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, May 26, 2020 12:48 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

I completely understand. Ex. 5 Deliberative Process (DP)

Ex. 5 DPP/ACC

I don't expect you to try to edit or revise this, as it is basically my immediate thoughts based on various discussions and has not been sufficiently reviewed. Ex. 5 Deliberative Process (DP)

Ex. 5 DPP/ACC

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 DPP/ACC

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air

Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW

Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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Union Station

St. Louis, MO, USA

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 5/26/2020 6:38:58 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

Dan,

Thank you. This is helpful. Tell me if I have this right:

Ex. 5 DPP/ACC

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, May 26, 2020 1:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Response from Charles. He will not be able to review the draft today, Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, May 26, 2020 12:48 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 DPP/ACC

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 DPP/ACC

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

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I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

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I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
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425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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July 28-30 2020

Union Station

St. Louis, MO, USA

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 5/26/2020 5:15:00 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: FW: Revised Petition, Response to Questions, etc.

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Dan:

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Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

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202-564-1996

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U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
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www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
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Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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St. Louis, MO, USA

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 9/17/2020 8:27:33 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Revised TFI Documents
Attachments: transmittal memo Edwards to Austin TFI PG Request 9-17-2020 CLEAN DRAFT.docx; transmittal memo Edwards to Austin TFI PG Request 9-17-2020.docx

Hi,

Attached is a redline and a CLEAN draft of the transmittal memo from Jon to Anne. Please double check that I didn't do any damage as I made a couple of changes. I'll send to Patricia and she can place this on OAR letterhead early tomorrow morning.

Thanks
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, September 17, 2020 3:59 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

This time with the documents, for those of you with more limited clairvoyance or imagination.

From: Schultheisz, Daniel
Sent: Thursday, September 17, 2020 3:24 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Revised TFI Documents

As we discussed this morning, I have updated/edited three of the TFI documents, as described below.

Ex. 5 DPP/ACC

Barring further significant changes, these should be ready to forward to Jon by the end of the week. Please let me know if you have questions. Thanks.

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 9/17/2020 8:06:24 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Revised TFI Documents
Attachments: NESHAP Subpart R Approval TFI Request Other Use Phosphogypsum FRN_09172020.docx

All right, that was a test to see who is paying attention. I failed. This is the version of the FR in Sharepoint/Teams.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, September 17, 2020 4:04 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

Hi Tom, Rick and Charles,

Which one of us gets to tell Dan that he sent the Subpart W FR notice? ☺

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, September 17, 2020 3:59 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

This time with the documents, for those of you with more limited clairvoyance or imagination.

From: Schultheisz, Daniel
Sent: Thursday, September 17, 2020 3:24 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Revised TFI Documents

As we discussed this morning, I have updated/edited three of the TFI documents, as described below.

Ex. 5 DPP/ACC

Ex. 5 DPP/ACC

Barring further significant changes, these should be ready to forward to Jon by the end of the week. Please let me know if you have questions. Thanks.

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 7/14/2020 11:28:42 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: Holden, Patricia [Holden.Patricia@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: Slides for AA
Attachments: TFI Briefing for AA 7-14-2020 lv.pptx

HI

Thank you for working on this brief while I've been away. I think it condensed nicely into a 30 minute conversation.

I chatted with Jon E this evening and I'll send this forward next. Before I do, here are the few changes that I made:

Ex. 5 Deliberative Process (DP)

I'll also send this simultaneously to Charles. I suspect he may have seen this already, but I didn't see that in an email and I don't want to have to call you so late in the day.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, July 14, 2020 3:34 PM
To: White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Holden, Patricia <Holden.Patricia@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: Slides for AA

Thanks,
Jon

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/17/2020 4:23:51 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: White, Rick [White.Rick@epa.gov]
Subject: RE: updated version of TFI August 11 letter

Hi Tom,

Thank you for the latest. Ex. 5 DPP/ACC

Ex. 5 DPP/ACC

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, August 17, 2020 12:04 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: updated version of TFI August 11 letter

All,
I accepted the changes in the August 11 version of the letter and made a couple for you to consider.
Talk to you at 1:30.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 5/21/2020 7:24:14 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
Subject: FW: Revised Petition, Response to Questions, etc.
Attachments: Approval Letter to TFI draft 5-21-2020.docx

Here's what I sent Charles. Let me know if I missed something. I hinted in my earlier message that OGC management would likely have to sign off eventually.

From: Schultheisz, Daniel
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 DPP/ACC

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 DPP/ACC

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 6/23/2020 9:10:29 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Draft Table of TFI Response Options with Legal Considerations
Attachments: TFI Options for Response with Legal Considerations(fromDanS-June22,2020)(cStar-June22,2020).docx

Dan: As we discussed yesterday, attached are some suggested edits on your chart.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, June 22, 2020 8:36 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: Draft Table of TFI Response Options with Legal Considerations

Charles:

I hope you are well rested. Here's an update on the TFI situation: we have a briefing scheduled for Jon Edwards on July 7. We will begin preparing the briefing this week, and hope to have something to Lee by the end of this week or beginning of next week. We tentatively plan to use the regular Wednesday 11 am team meeting to go through it before sending it up (given the long holiday weekend, we think it is best to have a "final" version early). Look for that meeting invitation. If that time is problematic for you, we'll find another route to finalization.

Ex. 5 Attorney Client (AC)

Thanks, and we will talk this afternoon.

Dan

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/14/2020 3:03:03 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: FW: Phosphogypsum at 10 am today

Here are instructions on holding the PG release. Don't add this to your LLW talk please.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 9:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum at 10 am today

Lee,

OPA and OAR Comms are still working to decide when to post the letter. I want to keep you in the loop, so the latest I've heard is that we will hold off on posting it today. It seems like they want to make sure that TFI gets a copy of the letter before we make it public.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Wednesday, October 14, 2020 9:37 AM
To: Millett, John <Millett.John@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Yeah, sorry, the 9:30 was cancelled. The link in the press release is just to an already existing page, so nothing to do there, I don't think. Since OPA is not asking us to post the letter, let's hold off on that for now.

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 9:32 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Ex. 5 Deliberative Process (DP)

BTW – Isabel, my calendar shows the 9:30 morning meeting is cancelled. Is that how your calendar looks?

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Wednesday, October 14, 2020 9:26 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 9:10 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

They didn't clarify whether or not they wanted it published yet, though…

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Wednesday, October 14, 2020 9:09 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum at 10 am today

FYI

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 8:56 AM
To: Millett, John <Millett.John@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Hello,

Please see the signed letter attached. I will wait to put the letter into the mail until after the release goes out.

Thanks,

Angela

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 8:52 AM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: Phosphogypsum at 10 am today

Updated the subject line. Adding Angela, Ann and John S. Will we know that the action has been signed in time to post by 10? It'd be good to know that it's signed by at least 9:30.

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 14, 2020 8:35 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Let's do 10:00 AM.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:21 AM
To: Block, Molly <block.molly@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

I'll have RPD publish updated web as soon as they're able. Would you like the signed letter published too?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, October 13, 2020 4:11 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Approved below:

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

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From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie)

<Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

That's helpful, thanks. I don't know when CSAPR will be signed on Thursday. Would there be a conflict with that announcement going out the same afternoon?

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Finally, regarding E15, I am still waiting on some comments from OLEM but hope to have materials to you all very soon.

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Isabel, I think Fuels Streamlining is going to go out at 2:00 pm on Thursday.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Hi Molly,
We are hearing that signature for the CSAPR is expected on Thursday. We also have Fuels Streamlining happening that day. Do we have a target time for the Streamlining announcement? Would it work to plan for a CSAPR announcement later in the day (to give time to ensure signature and get things teed up for posting)?

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>;

Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Good afternoon,

Attached is the PR, factsheet, Q&A, and comms plan for the CSAPR update.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 10/14/2020 1:47:44 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

If you can explain it in a way that makes sense. Finish this sentence: "This slide shows..."

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 9:41 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

You think I should delete it?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, October 14, 2020 9:41 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Okay, Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 9:35 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Thanks, I was doing a last look before I sent it and caught that and some font issues.

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, October 14, 2020 9:25 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

There's still a comment on the last slide in the second main bullet.

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 9:11 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>
Cc: Tong, Xinyue <Tong.Xinyue@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

FYI—LLW Forum presentation with PG slides to be sent later today. I have added a WIPP radiolysis slide that Xinyue created for me.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 9:03 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

+ Charlene

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Veal, Lee
Sent: Wednesday, October 14, 2020 9:03 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Good morning Stef,

Thank you for tracking this action.

Ray L,

Could you please keep an eye out for the Federal Register package? Maybe it would be possible to find out when it might be published as well? I'm sure that you have already thought this out and have a plan.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI – looks like today is the day for the Administrator to sign the letter.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:37 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It's looking like a 10am release, FYI.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

Do you have any updates on the TFI letter? Are we still expecting this to be signed tomorrow?

We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It looks like this is all gonna go down sometime Wednesday (again that's provisional). Will you be able to publish the web update Wednesday morning (or Thursday if it's signed Wed but the PR doesn't go out till Thursday)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 8/3/2020 8:24:30 PM
To: Peake, Tom [Peake.Tom@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Good morning. How goes the TFI review?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE. PRE-DECISIONAL MATERIAL
Attachments: Response to TFI-Draft Conditions Letter Austin to TFI July 27(fromTP-July27,2020)(CStar-July29).docx

Tom:

In accordance with my discussion with Lee on Friday, attached is a revised, draft response to the TFI request. As you can

Ex. 5 Attorney Client (AC)

Please let me know if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, August 03, 2020 8:10 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Good morning. How goes the TFI review?

Charles,
I saw the email traffic on the TFI letter last week so I know you are looking at it.
How goes the review?

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 7/30/2020 4:18:08 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: TFI request

Ex. 5 Attorney Client (AC)

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Thursday, July 30, 2020 11:58 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: TFI request

Ex. 5 Attorney Client (AC)

Jon

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, July 30, 2020 11:39 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: TFI request

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Charles

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 12/5/2019 5:42:03 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: Gypstacks: TFI Part 61, Subpart R, Section 61.206 Request
Attachments: TFI-draft letter to TFI-Ex. 5 Attorney Client (AC) Dec4,2019).docx

Lee:

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 10/14/2020 1:19:44 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Phosphogypsum Press Release - Revised

You can update your slides!

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 9:06 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Stefanie,
Thanks for the update.
I will plan to send my presentation with the PG slides to the LLW Forum later today after I get confirmation of the signing.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 8:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

FYI – looks like today is the day for the Administrator to sign the letter.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:37 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>

Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

It's looking like a 10am release, FYI.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 13, 2020 10:41 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati and Isabel,

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We want to make sure that we are ready to push the web updates at the appropriate time. Also, has anyone heard if OPA would like a copy of the signed letter uploaded to our web page?

Thanks,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:11 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

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K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 7, 2020 10:57 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>

Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

Hi Kati,

Thank you for the opportunity to review. Our technical team has no objections to the quote.

Thank you again,
Stefanie

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 7, 2020 9:21 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Phosphogypsum Press Release - Revised

Any objections to the below quote?

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 7, 2020 9:13 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: Phosphogypsum Press Release - Revised

This is what I got back from Bill – does this work as a quote?

Ex. 5 Deliberative Process (DP)

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 6/15/2020 8:49:02 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: RE: Administrator Briefing Paper
Attachments: TFI_briefing-pager_6-15-20_Final.docx

Charles,

Thank you for your review and comments. I apologize again for the short notice, but I appreciate your making it a priority for today.

I'll send forward a clean version that incorporates your edits. A copy of that is attached.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Monday, June 15, 2020 4:10 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Administrator Briefing Paper

Lee:

I have been dedicated to a couple of other tasks today, but I gave the briefing paper a quick look. Please see the attached for my suggested edits.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, June 15, 2020 12:29 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: Administrator Briefing Paper

Good afternoon Charles,

Anne Idsal has asked us for a briefing paper on the TFI project. The Administrator has an upcoming trip during which he will be meeting with Mosaic and perhaps other TFI representatives. She asked if we could please give this to her today, Monday, 6/15.

We've just completed the draft of this paper and I'd like to get an OGC review of it before we send it on. Are you able to read this today? It is just under 2 pages of bullets.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 6/15/2020 8:09:58 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: RE: Administrator Briefing Paper
Attachments: TFI_briefing-pager_6-15-20_oria draft(CStar-edits-June15,2020).docx

Lee:

I have been dedicated to a couple of other tasks today, but I gave the briefing paper a quick look. Please see the attached for my suggested edits.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, June 15, 2020 12:29 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: Administrator Briefing Paper

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We've just completed the draft of this paper and I'd like to get an OGC review of it before we send it on. Are you able to read this today? It is just under 2 pages of bullets.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 5/21/2020 3:16:29 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: FW: Revised Petition, Response to Questions, etc.
Attachments: 4-7-2020 PG Petition.pdf; Appendix 3 - Metals Risk Screening.pdf; Appendix 4a - Response to Jan 16 2020 Questions.pdf; Appendix 4b - Response to Second Set of EPA Questions.pdf; Appendix 5 - Sampling Report.pdf; Appendix 6 - Economic Report.pdf; Appendix 7 - Location of PG Stacks.pdf; Appendix 8 - Administrative Record.pdf; Attachment A - Road Specs.pdf

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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St. Louis, MO, USA

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 8/26/2020 9:13:08 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: TFI package
Attachments: Response to TFI- Letter PDAA to TFI 08242020ph(fromLV-Aug25,2020)(CSt-Aug26,2020).docx

Lee:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC) I plan to route this version of the letter up my chain (at least the first couple of rungs, if not to the OGC Immediate Office).

Please contact me if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 9:47 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: TFI package

Good morning,

Here is a Word copy of the letter that has been formatted by Patricia.

I spoke with Jon Edwards this morning to get clarity on how we need to move this package forward. He would like to send the complete package, FR + letter together. He suggested sharing with him (ORIA OD) and OGC in parallel. He will hold for word from OGC that their review is complete before sending to Anne.

Ideally, we'd like to have everything in one package (FR, Comms, letter). I'm not sure if that is possible. I think that the Comms package was supposed to be final at staff level last evening. Could I get an update on that please? If it is ready for my review as well, please include it in the complete package. If that is not possible, we should prepare the FR package plus the letter and get that moving today.

Thank you
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 10/19/2020 5:22:50 PM
To: Peake, Tom [Peake.Tom@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: TFI FR notice to be published tomorrow; tech review document needs to be in docket this afternoon
Attachments: TFI request-backup docs-Phosphogypsum_risk_technical_summary_final_2020_clean(fromJW-Oct15,2020)(CStar,Oct19,2020).docx

Tom:

See attached for a couple of edits and comments.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, October 19, 2020 10:48 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: TFI FR notice to be published tomorrow; tech review document needs to be in docket this afternoon

Charles,
I know you were swamped last week, but have you had a chance to look at the EPA technical review document of the TFI risk assessment? We have to put it in the docket this afternoon as the FR Notice is getting published tomorrow.

Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
pandemic phone: 202-465-5904

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 1/14/2020 2:52:03 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: TFI AA briefing - quick turnaround
Attachments: TFI 1-pager_OAR_1-16-2019_1-13 tp djs.docx

My comments, using Tom's markup.

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, January 13, 2020 5:20 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Diaz, Charlene <diaz.charlene@epa.gov>
Subject: RE: TFI AA briefing - quick turnaround

Attached are my edits. I kept the general thoughts but did quite a bit of rearranging on the first part but have changes to all sections. Please check to make sure I did not say inaccurate statements.

I just read Charles' email and I don't think I edited the bullet he commented on.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Monday, January 13, 2020 4:02 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Diaz, Charlene <diaz.charlene@epa.gov>
Subject: TFI AA briefing - quick turnaround

We need to get this to Lee by mid-day tomorrow, so that it can go to OAR on Wednesday.

Sorry and thanks.
Jon

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 7/24/2020 2:25:10 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Draft conditions letter
Attachments: Draft Conditions Letter Austin to TFI djs lv.docx

Hi,

Thank you, this is a good start. Ex. 5 Deliberative Process (DP)
he'll be out until next week.

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Friday, July 24, 2020 9:49 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Draft conditions letter

Attached is a somewhat revised version. Tom, Jon and I discussed this just now. There are a couple of comments/questions to highlight areas where others may have different impressions of what was said during the briefing.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Friday, July 24, 2020 7:52 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Draft conditions letter

I tried to walk a line between making this as polished as possible, and realizing that it will still serve as a straw man for ironing out a number of details. Have at it.

- Jon

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 8/25/2020 8:58:15 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: TFI package
Attachments: TFI FR_Notice_of_availability_Aug 23(fromDSchul-Aug25,2020-CStar-eds-Aug25).docx

Dan:

Attached are some suggestions on the FR notice.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, August 25, 2020 10:21 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: TFI package

Charles:

Following Lee's request to have an FR package to send for review today, if possible, here is the latest version of the notice (which reflects our discussion yesterday). It is the Sharepoint version that is also linked through Teams. You can work on it either directly and save it, and it will update the shared version, or you can save it to your computer and send me your markup.

IMPORTANT: if you want to work on the shared version directly, make sure you have "AutoSave" ON (it's in the upper left side at the top of the screen in Word). This will more smoothly reconcile your changes if someone else has the document open at the same time. We learned this the hard way.

Note that Jon Edwards proposes that OGC review the package concurrently with him, and he will wait for OGC to clear before sending it on to Anne.

Please let me know if you have questions. Thanks.

From: Schultheisz, Daniel
Sent: Tuesday, August 25, 2020 10:14 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI package

Tom and I will look at the comms package. I already see a few things where we need to reconcile with the revised FR notice. Maybe not today.

What do we need as part of the FR "package" at this point. We can have a draft of the FR notice for review, but as of right now I do not believe we have either a 1-pager or an action information. I can begin to work on those. Ray is starting on a typesetting request. I will make sure Charles has the latest draft of the notice.

We can discuss if needed. Thanks.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 10:00 AM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI package

Thank you Stef.

Dan - let me know what is possible today. I need to respond to the OAR IO.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, August 25, 2020 9:58 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI package

Good morning Lee,

The comms package has been reviewed by Jess, and it was sent to Dan & Tom for review this morning.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 9:47 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: TFI package

Good morning,

Here is a Word copy of the letter that has been formatted by Patricia.

I spoke with Jon Edwards this morning to get clarity on how we need to move this package forward. He would like to send the complete package, FR + letter together. He suggested sharing with him (ORIA OD) and OGC in parallel. He will hold for word from OGC that their review is complete before sending to Anne.

Ideally, we'd like to have everything in one package (FR, Comms, letter). I'm not sure if that is possible. I think that the Comms package was supposed to be final at staff level last evening. Could I get an update on that please? If it is ready for my review as well, please include it in the complete package. If that is not possible, we should prepare the FR package plus the letter and get that moving today.

Thank you
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 8/25/2020 3:40:45 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: RE: TFI package
Attachments: TFI Approval Action Information Form 8-25-2020.doc; TFI_Approval_1-pager_8-25-2020.docx

No worries. Draft 1-pager and Action Information attached. Ray sent the typesetting form to Annette.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 11:00 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: TFI package

Dan,

Jess is available to help you if you need it. She has a remarkable ability to put out a one-page document in a hurry.
If you want that, she can be reached at 202-343-9201, rolls to her cell.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, August 25, 2020 10:21 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: TFI package

Charles:

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Please let me know if you have questions. Thanks.

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Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: TFI package

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Dan - let me know what is possible today. I need to respond to the OAR IO.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, August 25, 2020 9:58 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
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Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>; Holden, Patricia <Holden.Patricia@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: TFI package

Good morning,

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Thank you
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 6/3/2020 5:30:45 PM
To: Stahle, Susan [Stahle.Susan@epa.gov]
Subject: FW: Draft TFI Conditional Approval: Privileged attorney client communication
Attachments: Options paper(drftJune3,2020).docx

FYI

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, June 03, 2020 12:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Draft TFI Conditional Approval: Privileged attorney client communication

Ex. 5 Attorney Client (AC)

I hope this might be helpful to your on-going discussions. If you prefer that I focus on providing advice on a particular draft decision or response letter, please let me know. As always, I am happy to continue to discuss these issues with you and address any questions you may have.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, June 01, 2020 2:49 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Draft TFI Conditional Approval

Charles:

Ex. 5 Attorney Client (AC)

Dan

From: Schultheisz, Daniel
Sent: Monday, June 01, 2020 9:50 AM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: Draft TFI Conditional Approval

Ex. 5 Deliberative Process (DP)

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 7/20/2020 6:00:53 PM
To: Egidi.Philip@epa.gov; Nagata, Jonathan [Nagata.Jonathan@epa.gov]
Subject: FW: updated TFI conditions--some edits to the file for consideration
Attachments: TFI - Draft Terms and Conditions -7-20-2020.docx; TFI - Draft Terms and Conditions Table -7-20-2020.docx

---

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, July 20, 2020 12:33 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

Hi,

Here are the two files – which I think that I copied you on successfully, but nonetheless, here you go.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 20, 2020 11:09 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

All,
Lee is taking the table with the edits I made and Dan's comments on Jon W's Friday version of the table and is going to make some changes to it before her 1 pm meeting with Jon E today. She will discuss the table then with Jon E and we should be able to make minor changes afterward. So, if you have changes, let's talk about them this afternoon, though you could send them in an email in advance of our meeting.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, July 20, 2020 9:13 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

I think this looks pretty good. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 20, 2020 8:53 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: updated TFI conditions--some edits to the file for consideration

Jon,
Thanks.

Ex. 5 Deliberative Process (DP)

I see that we are meeting with Anne Tuesday at 1 pm. We'll need to think about how we need to gussy it up for Anne.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Friday, July 17, 2020 11:15 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: updated TFI conditions

Ex. 5 Deliberative Process (DP)

- J

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 6/2/2020 7:10:46 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Charles Starrs (Starrs.Charles@epa.gov) [Starrs.Charles@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: Collection of TFI "asks"
Attachments: TFI issues and asks from petitions.docx

Hi,

Ex. 5 Deliberative Process (DP)

I did this to help me, and maybe it will assist you, too. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 9/10/2020 12:13:32 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Anderson, Lea [anderson.lea@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

Charles,

Ex. 5 Attorney Client (AC)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, September 09, 2020 4:39 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

David:

Ex. 5 Attorney Client (AC)

We have informed ORIA/RPD of our understanding of the relevant circumstances and our views on this matter. Please do not hesitate to contact me if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 7/1/2020 11:53:05 AM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: FW: Fertilizer Institute Meeting powerpoint edits from Charles

FYI from Charles

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, June 30, 2020 5:50 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Fertilizer Institute Meeting

Tom:

I took a pretty quick look at the Powerpoint. Here are a few thoughts:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks,

Charles
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, June 30, 2020 8:17 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Fertilizer Institute Meeting

Charles,
Attached is the TFI briefing draft that we will use to discuss with Lee. We have an hour with Jon next week and then we expect to only have maybe 30 minutes with Anne, so this briefing for Anne will need to be cut way down, and perhaps even change the format for Anne. It is long, and Lee may have some comments on it that shorten it, but we want to tee up issues for discussion with Jon and get his input on how to present the info to Anne.

We hope to finalize this by Wednesday COB or early Thursday at the latest. Let us know if you have any comments.

For the briefing next week I would expect Jon to ask you about legal issues.

Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Monday, June 29, 2020 9:34 PM
To: Holden, Patricia <Holden.Patricia@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Fertilizer Institute Meeting

Patricia,
COB isn't what it used to be. Here's our briefing draft as of today.
Jon

From: Holden, Patricia <Holden.Patricia@epa.gov>
Sent: Monday, June 29, 2020 7:13 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Fertilizer Institute Meeting

Good Morning Jon,

A friendly reminder to please email me your briefing COB Monday, June 29. Thank You

Patricia

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Friday, June 26, 2020 8:38 AM
To: Holden, Patricia <Holden.Patricia@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Fertilizer Institute Meeting

Will do. They'll be going to Tom and Dan presently.

From: Holden, Patricia <Holden.Patricia@epa.gov>
Sent: Friday, June 26, 2020 8:37 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Fertilizer Institute Meeting

Good Morning,

A friendly reminder to please provide me with the briefing materials COB Monday, June 29 for the meeting with Jon Edwards on July 7. Lee will be out of the office observing her compress day on July 2. This will give Lee some time to review the briefing before sending it over to the IO. Thank You!

Patricia Holden
Secretary
Radiation Protection Division
202-343-9458

From: Holden, Patricia
Sent: Thursday, June 18, 2020 10:07 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Dan Schultheisz (Schultheisz.Daniel@epa.gov) <Schultheisz.Daniel@epa.gov>
Subject: Fertilizer Institute Meeting

Good Morning,

Please provide the briefing slides COB July 1 for the Fertilizer Meeting with Jon Edwards on July 7. Thank You!

Patricia Holden
Secretary
Radiation Protection Division
202-343-9458

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 7/1/2020 11:52:09 AM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Fertilizer Institute Meeting

Charles,
Thank you for such a quick response!

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, June 30, 2020 5:50 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Fertilizer Institute Meeting

Tom:

I took a pretty quick look at the Powerpoint. Here are a few thoughts:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Thanks,

Charles
202-564-1996

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Charles,
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Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
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Subject: RE: Fertilizer Institute Meeting

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COB isn't what it used to be. Here's our briefing draft as of today.
Jon

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Sent: Monday, June 29, 2020 7:13 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Fertilizer Institute Meeting

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Patricia

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Sent: Friday, June 26, 2020 8:38 AM
To: Holden, Patricia <Holden.Patricia@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Fertilizer Institute Meeting

Will do. They'll be going to Tom and Dan presently.

From: Holden, Patricia <Holden.Patricia@epa.gov>
Sent: Friday, June 26, 2020 8:37 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel

<Schultheisz.Daniel@epa.gov>
Subject: FW: Fertilizer Institute Meeting

Good Morning,

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Patricia Holden
Secretary
Radiation Protection Division
202-343-9458

From: Holden, Patricia
Sent: Thursday, June 18, 2020 10:07 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Dan Schultheisz (Schultheisz.Daniel@epa.gov) <Schultheisz.Daniel@epa.gov>
Subject: Fertilizer Institute Meeting

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Patricia Holden
Secretary
Radiation Protection Division
202-343-9458

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/13/2020 11:52:43 AM
To: Rustick, Joseph [rustick.joseph@epa.gov]
Subject: FW: Latest TFI letter as of August 11, 3:45 pm
Attachments: Road Abandonment Resources Florida.docx

FYI

From: Peake, Tom
Sent: Thursday, August 13, 2020 7:52 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Charles,

Ex. 5 Attorney Client (AC)

Also, FYI, Jon shared the August 11 pm version of the letter with Anne.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, August 12, 2020 4:42 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Latest TFI letter as of August 11, 3:45 pm

Tom:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Charles

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, August 11, 2020 3:51 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>
Cc: Starrs, Charles <Starrs.Charles@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: Latest TFI letter as of August 11, 3:45 pm

All,
I got an updated version of the TFI letter from Charles around lunchtime. Thank you, Charles.
I had some formatting edits from Stephanie that I included and couple of word changes, including in a long sentence at the top of page 4.
There may still be some changes, but please use this version as the baseline for the changes. If you do have edits, please accept all changes first and then make your edits or at least highlight them to make it easier to find your new changes.
Thanks.
Rick, I leave it up to you if you want to share this with Jon E today.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 9/17/2020 9:18:15 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Revised TFI Documents
Attachments: TFI approval letter on AD Letterhead Sept 17 tp.docx

I concur with Dan's edits and added one of my own; I deleted a document in an early paragraph because it was listed twice under different names. I left a comment in the letter that identifies it.

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, September 17, 2020 3:59 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

This time with the documents, for those of you with more limited clairvoyance or imagination.

From: Schultheisz, Daniel
Sent: Thursday, September 17, 2020 3:24 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Revised TFI Documents

As we discussed this morning, I have updated/edited three of the TFI documents, as described below.

Ex. 5 DPP/ACC

Barring further significant changes, these should be ready to forward to Jon by the end of the week. Please let me know if you have questions. Thanks.

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 9/17/2020 8:46:02 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Revised TFI Documents
Attachments: TFI Approval Action Information Form 9-17-2020 DRAFT tp.doc

Edits on the Action Information form. **Ex. 5 Deliberative Process (DP)**

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, September 17, 2020 3:59 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Documents

This time with the documents, for those of you with more limited clairvoyance or imagination.

From: Schultheisz, Daniel
Sent: Thursday, September 17, 2020 3:24 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Revised TFI Documents

As we discussed this morning, I have updated/edited three of the TFI documents, as described below.

Ex. 5 DPP/ACC

Barring further significant changes, these should be ready to forward to Jon by the end of the week. Please let me know if you have questions. Thanks.

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 7/20/2020 12:52:35 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
CC: Stuenkel, David [Stuenkel.David@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: RE: updated TFI conditions--some edits to the file for consideration
Attachments: TFI - Potential Approval Conditions -7-20-2020.docx

Jon,
Thanks.

Ex. 5 Deliberative Process (DP)

I see that we are meeting with Anne Tuesday at 1 pm. We'll need to think about how we need to gussy it up for Anne.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Friday, July 17, 2020 11:15 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: updated TFI conditions

Ex. 5 Deliberative Process (DP)

- J

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 9/8/2020 8:16:31 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

Charles,

Ex. 5 Attorney Client (AC)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, September 08, 2020 4:13 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

Tom:

Ex. 5 Attorney Client (AC)

Please call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, September 02, 2020 12:31 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval

Thanks, Charles!

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, September 02, 2020 11:23 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval

Tom:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC) Will get back to you soon.

Charles
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, September 02, 2020 10:56 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Any word on the review of Anne and signing the TFI request approval

Charles,

Ex. 5 Attorney Client (AC)

Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904
sn

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/18/2020 1:29:28 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: FW: Charles' request for an edit revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 18.docx

FYI,
The attached file has Charles change made.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, August 18, 2020 9:19 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Tom:

Ex. 5 Attorney Client (AC)

Thanks,

Charles

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Tuesday, August 18, 2020 7:26 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Charles,
Thanks for the input and revision. It is to the point where I think we should move it up the chain here. We will discuss it here in RPD and ORIA. I'm sure you will hear from us soon!

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765

cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Monday, August 17, 2020 6:10 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Tom:

As discussed, attached is a slightly revised version of the letter. Please let me know if/when you think there is a reasonably clean, near-final draft of the letter, and I will give my immediate management team a chance to look at it.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
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Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: revised TFI letter

Charles,
Attached is a revised version of the TFI letter.
Dan and I will try to call you on Teams in a couple of minutes.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/18/2020 1:19:45 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

OK

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, August 18, 2020 9:19 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

Tom:

Ex. 5 Attorney Client (AC)

Thanks,

Charles

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Sent: Tuesday, August 18, 2020 7:26 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: revised TFI letter: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

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Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
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PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE MATERIAL

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Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, August 17, 2020 3:32 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: revised TFI letter

Charles,
Attached is a revised version of the TFI letter.
Dan and I will try to call you on Teams in a couple of minutes.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/18/2020 11:48:13 AM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Egidi.Philip@epa.gov; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]
Subject: Let's move the letter up
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 18.docx

Lee,
Dan and I had a discussion with Charles late yesterday afternoon and he made a revision based on that discussion and the draft we sent him earlier in the day.

Ex. 5 DPP/ACC

I think we are done with it and it is ready for you to do a last look. Jon is coordinating with Ray on the FR notice and the team is finishing the FAQs for Stephanie's communication plan. I let Charles know we would be sending the FR notice to him when we got it ready. We also have the EPA technical review that will need to be reviewed, too, in the next week.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/11/2020 1:52:39 PM
To: Egidi, Philip [Egidi.Philip@epa.gov]
Subject: RE: TFI draft approval letter from Charles

Phil,
You mention your markup to the letter but did not attach anything.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Egidi, Philip <Egidi.Philip@epa.gov>
Sent: Tuesday, August 11, 2020 9:41 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>
Cc: Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: TFI draft approval letter from Charles

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

PVE

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, August 06, 2020 11:07 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>
Cc: Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: TFI draft approval letter from Charles

All,

Ex. 5 DPP/ACC

So, be looking at the letter and see if you have any comment within this context. Monday COB should be timely enough.

Thanks.

Tom Peake
US EPA Radiation Protection Division

Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/11/2020 1:16:28 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Egidi.Philip@epa.gov; Lee, Raymond [Lee.Raymond@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]
Subject: FW: TFI--Anne has the draft letter
Attachments: Response to TFI-Draft Conditions Letter Austin to TFI August 10.docx; Response to TFI-Draft Conditions Letter Austin to TFI August 4 CStarrs TPeake.docx

FYI,

Ex. 5 DPP/ACC

Be prepared for the letter to get finalized soon, as early as the end of this week or early next week. That means the FR notice needs to get drafted soon, too; that is, it is a priority. We can talk about the FR notice as well as the FAQs at the Wednesday meeting.

Who is working on the FR notice drafting besides Ray? Is it Jon W? How soon can we get a draft?

Thanks!

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

-----Original Message-----
From: Peake, Tom
Sent: Monday, August 10, 2020 1:20 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: TFI

Attached is latest version of the TFI letter (August 10 file). I cleaned up the previous version (also attached) to get rid of the comments Ex. 5 Attorney Client (AC) after talking with Charles.

Charles is busy with SIPs and deadlines, but he says he will get us something by tomorrow if you can wait until then for the next version to send to Anne. In addition, he plans to talk more with his management in a couple of days, but would like to get our feedback on the next version of the letter before he does so. Charles, please work with the August 10 version.

I am on leave this afternoon. Dan will be in.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

-----Original Message-----
From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, August 10, 2020 11:22 AM

To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; White, Rick <White.Rick@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: TFI

Hi Jon,

Tom is going to send a draft file to this email distribution. He's also connecting with Charles to see when he plans to brief Adam.
This draft is still draft, but it touches on all points I suspect.
Lee

Sent from my iPhone

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/6/2020 5:07:15 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]
CC: Santillan, Eugenio-Felipe [santillan.eugenio-felipe@epa.gov]; Egidi.Philip@epa.gov; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Nagata, Jonathan [Nagata.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: TFI draft approval letter from Charles
Attachments: Response to TFI-Draft Conditions Letter Austin to TFI August 4 CStarrs TPeake.docx

All,

Ex. 5 DPP/ACC

So, be looking at the letter and see if you have any comment within this context. Monday COB should be timely enough.

Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 9/8/2020 7:37:21 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.
Attachments: Appendix 1.pdf; Appendix 2 PG Risk Assessment- Final amended Oct 15-19.pdf

The attached files were from the October submission.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, September 08, 2020 3:31 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Tom:

Ex. 5 Attorney Client (AC)

Thanks,

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, July 30, 2020 9:17 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

This is what we got on the 8th of April.

From: Peake, Tom
Sent: Monday, July 27, 2020 11:14 AM
To: Charles Starrs (Starrs.Charles@epa.gov) <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Wednesday, April 08, 2020 8:38 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Diaz,

Charlene <diaz.charlene@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/4/2020 4:08:54 PM
To: Veal, Lee [Veal.Lee@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: FW: Good morning. How goes the TFI review?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE. PRE-DECISIONAL MATERIAL
Attachments: Response to TFI-Draft Conditions Letter Austin to TFI August 4 CStarrs TPeake.docx

FYI

From: Peake, Tom
Sent: Tuesday, August 04, 2020 12:08 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Good morning. How goes the TFI review?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE. PRE-DECISIONAL MATERIAL

Hi,
I have been going through Charles' version of the letter and have made some edits and responded to Charles's comments.

Ex. 5 Attorney Client (AC)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Monday, August 03, 2020 4:25 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Good morning. How goes the TFI review?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND DELIBERATIVE. PRE-DECISIONAL MATERIAL

Tom:

Ex. 5 Attorney Client (AC)

Please let me know if you have any questions.

Charles Starrs

Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, August 03, 2020 8:10 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Good morning. How goes the TFI review?

Charles,
I saw the email traffic on the TFI letter last week so I know you are looking at it.
How goes the review?

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 7/30/2020 1:17:02 PM
To: Charles Starrs (Starrs.Charles@epa.gov) [Starrs.Charles@epa.gov]
Subject: FW: Revised Petition, Response to Questions, etc.
Attachments: 4-7-2020 PG Petition.pdf; Appendix 3 - Metals Risk Screening.pdf; Appendix 4a - Response to Jan 16 2020 Questions.pdf; Appendix 4b - Response to Second Set of EPA Questions.pdf; Appendix 5 - Sampling Report.pdf; Appendix 6 - Economic Report.pdf; Appendix 7 - Location of PG Stacks.pdf; Appendix 8 - Administrative Record.pdf; Attachment A - Road Specs.pdf

This is what we got on the 8th of April.

From: Peake, Tom
Sent: Monday, July 27, 2020 11:14 AM
To: Charles Starrs (Starrs.Charles@epa.gov) <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Wednesday, April 08, 2020 8:38 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

THE FERTILIZER INSTITUTE

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 7/27/2020 6:16:17 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Stuenkel, David [Stuenkel.David@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
Subject: RE: Draft conditions letter--some suggested edits
Attachments: Draft Conditions Letter Austin to TFI July 27.docx

All,

Ex. 5 DPP/ACC

See what you think.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, July 27, 2020 9:30 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Draft conditions letter--suggesting an edit to consider in first paragraph

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 27, 2020 9:23 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Draft conditions letter--suggesting an edit to consider in first paragraph

Ex. 5 Deliberative Process (DP)

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Monday, July 27, 2020 8:57 AM

To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Draft conditions letter--suggesting an edit to consider in first paragraph

Ex. 5 Deliberative Process (DP)

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 27, 2020 8:48 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Draft conditions letter--suggesting an edit to consider in first paragraph

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, July 24, 2020 10:25 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Draft conditions letter

Hi,

Thank you, this is a good start. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Friday, July 24, 2020 9:49 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Draft conditions letter

Attached is a somewhat revised version. Tom, Jon and I discussed this just now. There are a couple of comments/questions to highlight areas where others may have different impressions of what was said during the briefing.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Friday, July 24, 2020 7:52 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Draft conditions letter

I tried to walk a line between making this as polished as possible, and realizing that it will still serve as a straw man for ironing out a number of details. Have at it.

- Jon

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 10/14/2020 9:35:13 PM
To: Charles Starrs (Starrs.Charles@epa.gov) [Starrs.Charles@epa.gov]
CC: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: Lots happening on TFI; Lee wants to have you look at two items FW: technical review document and road abandonment document
Attachments: Phosphogypsum_risk_technical_summary_draft_final_2020.docx; Memo for Road Abandonment Final.docx

Charles,

Ex. 5 Attorney Client (AC)

Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Peake, Tom
Sent: Wednesday, October 14, 2020 5:10 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: technical review document and road abandonment document

Lee,
Attached are the latest versions of the technical review and road abandonment documents (guys, please confirm).

The technical review document (Sept. 30 version) has one last comment from me that you need to decide on and there is the draft watermark that needs to be deleted once you are done.

Dan and I looked at the road abandonment memo and Joe has addressed our comments.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 8/26/2020 7:17:21 PM
To: Veal, Lee [Veal.Lee@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Introduction -- documents related to TFI request

I'm looking at it now and making a few edits, but nothing major.
It should be OK to send it to them and if they want to edit it, I'm OK with that. I will send you the version I'm reviewing when I send it back to Joe in a little bit, and you can use that one. How's that?

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 3:13 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Tom,

As this is going into the docket, how would you feel if we share it with Jon and Andrea at this time? For a read ahead? I understand if you want to review it further.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 3:02 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Yes. At least Joe and Dave Stuenkel.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 2:54 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Tom,

Thank you for sending this one.

I had a chance to read the draft technical report. Nicely done. Did some of our new folks help Jon Walsh with that one?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

TFI submitted an initial request in October 2019 and a revised request in April 2020. The TFI documents attached here are from the April submission. If you would like the October documents, I can send those in a separate email.

I have attached multiple documents from the TFI request, including the risk assessment that is embedded in the file 4-7-2020 PG Petition. Note the contaminants of concern in the risk assessment are radium and radon, as those are the basis for the Clean Air Act NESHAP regulation at 40 CFR part 61, Subpart R. However, we did discuss with TFI that we had a general concern beyond our regulatory purview related for other contaminants. As a result TFI did a metals analysis and that is included.

Attached is the 1992 EPA BID for the rule that has multiple analyses, including the groundwater pathway for different uses. For roads, the determination was made in 1992 that the groundwater pathway was not important to exposures per the rule. The draft EPA staff technical review of the TFI work references the 1992 BID. I have also included a contractor report by SCA that reviewed the TFI risk assessment.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

> On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:
>
> <image001.gif>
> Hi Lee,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Please let me know when you some time to discuss this matter.

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division

Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Peake, Tom [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5B794476322140C3B9D28D783FD452CF-TPEAKE]
Sent: 1/13/2020 10:20:12 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]
CC: Diaz, Charlene [diaz.charlene@epa.gov]
Subject: RE: TFI AA briefing - quick turnaround
Attachments: TFI 1-pager_OAR_1-16-2019_1-13 tp.docx

Attached are my edits. I kept the general thoughts but did quite a bit of rearranging on the first part but have changes to all sections. Please check to make sure I did not say inaccurate statements.

I just read Charles' email and I don't think I edited the bullet he commented on.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Monday, January 13, 2020 4:02 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Diaz, Charlene <diaz.charlene@epa.gov>
Subject: TFI AA briefing - quick turnaround

We need to get this to Lee by mid-day tomorrow, so that it can go to OAR on Wednesday.

Sorry and thanks.
Jon

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 9/30/2019 2:01:07 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Prep for October 2 meeting with The Fertilizer Institute?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION

No real preference: I can walk over.

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, September 30, 2019 9:48 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Prep for October 2 meeting with The Fertilizer Institute?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION

Would you want to come here or do it by phone?

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Monday, September 30, 2019 9:46 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Prep for October 2 meeting with The Fertilizer Institute?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION

Yes. The latter part of that block is better (3-4:00 p.m.).

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, September 30, 2019 9:33 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: RE: Prep for October 2 meeting with The Fertilizer Institute?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION

Can you be available for a discussion this afternoon sometime between 2 and 4? Lee will be talking with Jon Edwards prior to that and will raise this question. Thanks.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Friday, September 27, 2019 5:16 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Prep for October 2 meeting with The Fertilizer Institute?: PRIVILEGED ATTORNEY CLIENT COMMUNICATION

Dan:

I would happy to meet with you, if you like.

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, September 26, 2019 12:27 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: Prep for October 2 meeting with The Fertilizer Institute?

Charles:

Ex. 5 Attorney Client (AC)

Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

Message

From: Nesky, Anthony [Nesky.Tony@epa.gov]
Sent: 10/27/2020 7:20:52 PM
To: Wieder, Jessica [Wieder.Jessica@epa.gov]
CC: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: FW: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today

Importance: High

+ Jess

Jess, see my concern below. What do you think?

From: Nesky, Anthony
Sent: Tuesday, October 27, 2020 3:17 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today
Importance: High

Ex. 5 Deliberative Process (DP)

Tony

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 27, 2020 3:08 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today

Hi Tony,

Here are a few additions:

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

3. How common is phosphogypsum use in roads in other countries?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today
Importance: High

Dear Lee:

We got another inquiry on the TFI approval, this time from the Washington Examiner. Please review CWMR's answer below, make any desired changes, and let me know if I can forward to OAR Comms. Deadline is 5 PM today, and you know you are welcome to call with questions.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

3. How common is phosphogypsum use in roads in other countries?

Approved CWMR Answer:

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 27, 2020 12:15 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

Hello! Is this deadline doable (i.e., 5:30 for me)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: Media Inquiry: Washington Examiner re phosphogypsum

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?
2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?
3. How common is phosphogypsum use in roads in other countries?

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 5/27/2020 4:18:58 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

It may be worth noting to Charles that this isn't a meeting/briefing, rather a general to give Anne a quick update. I have up to 10 minutes total for that update, then they move on to Covid-19.
I doubt that David Harlow will participate, but he always could.

Given that OGC really hasn't read through the full petition and details, it might be premature to have an actual meeting.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, May 27, 2020 12:16 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Some concern from OGC regarding the meeting with Anne.

From: Schultheisz, Daniel
Sent: Wednesday, May 27, 2020 12:15 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

This is part of Jon Edward's weekly with Anne, but I will let Lee know of this concern. I don't know if David is typically in those meetings.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, May 27, 2020 12:13 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Thanks, Dan. I asked because when I let Lea Anderson know about today's meeting she had some concern that OGC was not included (as she thought that OGC should be in meetings like this), and I think she reached out to David Harlowe in the OAR AA's office.

Charles

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, May 27, 2020 12:03 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

It is going to happen at 2 today. I passed your thoughts on to Lee. Her time to discuss this will be short, so she appreciated the clarity. She will let us know what transpires.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, May 27, 2020 12:01 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Did the meeting with Anne Idsal (that I thought was supposed to happen this morning) get rescheduled? If so, do you have a new date/time?

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, May 26, 2020 1:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC). We will just have to work with the direction we get as best we can. We'll let you know what we hear.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, May 26, 2020 12:48 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 5/27/2020 4:12:37 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

Thanks, Dan. I asked because when I let Lea Anderson know about today's meeting she had some concern that OGC was not included (as she thought that OGC should be in meetings like this), and I think she reached out to David Harlowe in the OAR AA's office.

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202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, May 26, 2020 1:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Ex. 5 Attorney Client (AC)

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, May 26, 2020 12:48 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

I completely understand. Our time frame has tightened considerably in the last day or so, aimed at this presentation to

Ex. 5 Attorney Client (AC)

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

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202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

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Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

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Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: Redacted
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

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Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 5/26/2020 4:48:27 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

I completely understand. Our time frame has tightened considerably in the last day or so, aimed at this presentation to

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM

To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: Redacted
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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July 28-30 2020

Union Station

St. Louis, MO, USA

Appointment

From: Schultheisz, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=711CDB8A1BED4570A0ACFDFB38F78D72-DSCHULTH]
Sent: 9/14/2020 2:31:17 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]

Subject: FW: TFI request for alternative use of phosphogypsum
Location: Microsoft Teams Meeting

Start: 9/15/2020 2:00:00 PM
End: 9/15/2020 3:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, August 31, 2020 10:57 AM
To: Veal, Lee; Emmerson, Caroline; Peake, Tom; Schultheisz, Daniel; White, Rick
Cc: Coleman, Cheryl; Villamizar, Nicole; Chow, Rita; Starrs, Charles; Crossland, Andy; Elliott, Ross; Celeste, Laurel; Mills, Jason; Birchfield, Norman; Atagi, Tracy; Huff, Mark J; Cory, Preston; Harlow, David; Dominguez, Alexander; Edwards, Jonathan; Cook, Steven; Hoskinson, Carolyn; Sullivan, Greg
Subject: TFI request for alternative use of phosphogypsum
When: Tuesday, September 15, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Discussion with OLEM/ORCR

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Good morning Lee and Tom,

We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

Thanks,

Caroline

Message

From: Schultheisz, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=711CDB8A1BED4570A0ACFDFB38F78D72-DSCHULTH]
Sent: 10/27/2020 6:06:12 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--please approve so I can forward to Lee

Yes, go ahead.

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 2:05 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--please approve so I can forward to Lee
Importance: High

Just to confirm: can I send this to Lee now?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 27, 2020 2:00 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--please approve so I can forward to Lee

Not at this time.

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 1:58 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--please approve so I can forward to Lee

Would you add anything to Answer No. 3?

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, October 27, 2020 1:56 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--please approve so I can forward to Lee

I think these look fine. The only thing I might add is to note in the third response **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 1:53 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>;

Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum--please approve so I can forward to Lee
Importance: High

(Sorry if you got a cryptic email from my iphone—please disregard. I hit send before I wanted to—was trying to work while my computer was locked up with updates. It's working now, sort of.)

Jon, thanks for such a speedy reply! I have one slight edit intended to emphasize that each approval goes through its own risk assessment process. My edit is highlighted.

Dan and Tom, please review the answer below, and edit or approve so that I can get this to Lee for approval. Thanks!

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Ex. 5 Deliberative Process (DP)

3. How common is phosphogypsum use in roads in other countries?

Ex. 5 Deliberative Process (DP)

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 27, 2020 1:10 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry: Washington Examiner re phosphogypsum

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?

Ex. 5 Deliberative Process (DP)

2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?

Ex. 5 Deliberative Process (DP)

3. How common is phosphogypsum use in roads in other countries?

Ex. 5 Deliberative Process (DP)

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, October 27, 2020 12:54 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

FYI, we have a new media request that has come in with a tight deadline. Please expect to hear from Tony soon. In the meantime, could you please look through the questions we have received to get a head start.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 27, 2020 12:15 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

Hello! Is this deadline doable (i.e., 5:30 for me)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: Media Inquiry: Washington Examiner re phosphogypsum

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?
2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?
3. How common is phosphogypsum use in roads in other countries?

Message

From: Schultheisz, Daniel [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=711CDB8A1BED4570A0ACFDFB38F78D72-DSCHULTH]
Sent: 5/29/2020 1:13:04 PM
To: Veal, Lee [Veal.Lee@epa.gov]
Subject: FW: Follow up from status update meeting

I have not heard anything more since this. Can probably check Lea's availability with the scheduling assistant.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 28, 2020 3:06 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Follow up from status update meeting

Dan: At this point, my schedule is very open for Monday. Tuesday is pretty good, as well, with most of the morning (up to about 11:30 a.m.) open and then later in the afternoon (after 3:00 p.m.). I have not, yet, heard back from Lea on her participation on the meeting.

Charles

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 28, 2020 11:40 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Follow up from status update meeting

Charles:

Lee would like to have a discussion with you and Lea early next week (Monday or Tuesday) to discuss how we can move forward to examine these different alternatives. It seems likely that we will need to give Anne a more extensive briefing towards the end of June.

Can you suggest some times that you and Lea would be available on those days? Thanks.

Dan

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, May 27, 2020 2:52 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: Follow up from status update meeting

Hi,

I had a chance to speak with Anne Idsal for 6 minutes during our OD's general to update her on our progress with the TFI petition for alternative use of phosphogypsum in road construction. I noted the following:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Appointment

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 8/24/2020 2:50:54 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Belser, Evan [Belser.Evan@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Dykes, Teresa [Dykes.Teresa@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]

Subject: Introduction
Location: Microsoft Teams Meeting

Start: 8/24/2020 8:30:00 PM
End: 8/24/2020 9:00:00 PM
Show Time As: Busy

Evan,

Please let me know if this slot works for a short call.
Lee

Join Microsoft Teams Meeting

+1 202-991-0477 United States, Washington DC (Toll)

Conference ID: 520 917 151#

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

From: Belser, Evan <Belser.Evan@epa.gov>
Sent: Friday, August 21, 2020 9:01 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>
Subject: Re: Introduction

Lee,

Thank you for raising this to our attention.

Ex. 5 Deliberative Process (DP)

All things considered, I am not asking for delay on your work pending further inquiry on my side. Please let me know whether a conversation would help, in which case I have time Monday afternoon.

Thanks,
Evan

On Aug 20, 2020, at 9:37 AM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Hi Evan,

I'd like to introduce myself to you and seek a quick consultation.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be well within that margin of risk.

Ex. 5 Deliberative Process (DP)

Would you like to have a conversation about this action?

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 9/11/2020 5:48:09 PM
To: Veal, Lee [Veal.Lee@epa.gov]

Subject: Meeting Forward Notification: TFI request for alternative use of phosphogypsum
Location: Microsoft Teams Meeting

Start: 9/15/2020 2:00:00 PM
End: 9/15/2020 3:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Emmerson, Caroline has forwarded your meeting request to additional recipients.

Meeting

TFI request for alternative use of phosphogypsum

Meeting Time

Tuesday, September 15, 2020 10:00 AM-11:00 AM.

Recipients

Cook, Steven

Hoskinson, Carolyn

Sullivan, Greg

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 9/10/2020 8:23:37 PM
To: Anderson, Lea [anderson.lea@epa.gov]
Subject: The most recent response letter
Attachments: Response to TFI- Letter PDAA to TFI 08272020 FINAL DRAFT(LV-Aug27,2020)(OGC-eds-Sept8,2020).docx; Response to TFI- Letter PDAA to TFI 09102020 FINAL DRAFT .docx

Hi Lea,

Here is the most recent response, with the few OGC edits in redline, and then a clean version with a different file name. Other than the date change from August to September, it is the same document as the one with redline format. I thought it would be easier if you have both perhaps.

Please let me know if I can help further. We have a call on Tuesday with OLEM. It appears that they have invited someone from the Pesticides and Toxic Substances Law Office to participate. I'm not sure what equities we'll be discussing, but perhaps we can learn about that on Tuesday.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, September 10, 2020 4:08 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, September 08, 2020 4:13 PM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval: PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

PRIVILEGED ATTORNEY CLIENT COMMUNICATION AND CONFIDENTIAL DELIBERATIVE PROCESS MATERIAL

Tom:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Please call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, September 02, 2020 12:31 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval

Thanks, Charles!

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, September 02, 2020 11:23 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Any word on the review of Anne and signing the TFI request approval

Tom:

Ex. 5 Attorney Client (AC)

Charles
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, September 02, 2020 10:56 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Any word on the review of Anne and signing the TFI request approval

Charles,

Ex. 5 Attorney Client (AC)

Also, OLEM is looking over the TFI materials and we have a meeting set up with them to discuss the topic on the 15th. We'll see if they come up with any issues we need to address in the approval letter.
Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904
sn

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 9/10/2020 3:05:44 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: FW: Update on TFI package

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, September 10, 2020 10:11 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Thank you for flagging this, Lee. I am discussing this with Anne, et al this morning and will let you know.

In the interim, will you please forward the calendar invite for the OLEM call to David Harlow and me?

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 9, 2020 5:46 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Update on TFI package

Good afternoon Preston,

It seems like a good time to check in with you on a couple of things related to the Fertilizer Institute (TFI) package.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

2. Do you, David or Alex have any further changes to the drafts or any questions?
3. Just a reminder: Our call with OLEM is on Tuesday, 9/15 at 10am.

Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
Good afternoon Preston,

I'd like to give you an update on the TFI approval package.

We have a final approval letter (signature by Anne), the Federal Register notice of availability and the 3 one-pagers/forms that go with those packages, and we are drafting the transmittal memo this afternoon. There is a new procedure for FR packages that involves a check in with OP/OFA, which we have started. I'm told that moves quickly but it is an essential step before sending it for signature. We had a few edits on the communications plan and are reviewing a revised version now. TFI has indicated a preference for holding on any press release at this time, but we will need communications materials just the same.

Unless you think otherwise, we will route the FR package and approval letter together for final review by OGC and ORIA IO in parallel, reconcile any edits and send a final complete package as soon as that concludes. This action is a priority for everyone involved, but I will need another day or two to complete all of the various parts and then ensure a smoother review and signature process.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 9/10/2020 2:52:30 PM
To: Harlow, David [harlow.david@epa.gov]
Subject: FW: Update on TFI package

Good morning David,

I'm glad that you and Preston will be joining us on Tuesday. I am not at all clear on what, if any, equities are held by OLEM/ORCR in this area. Hopefully we will learn about that on Tuesday. The action we are suggesting under the CAA doesn't have an obvious overlap that I can see.

If you would like any further background or to have any kind of prep call, just let me know. I know that you have extensive experience on the radiological side, which is very helpful.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Thursday, September 10, 2020 10:11 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Update on TFI package

Thank you for flagging this, Lee. I am discussing this with Anne, et al this morning and will let you know.

In the interim, will you please forward the calendar invite for the OLEM call to David Harlow and me?

Thanks,
Preston

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 9, 2020 5:46 PM
To: Cory, Preston <Cory.Preston@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Update on TFI package

Good afternoon Preston,

It seems like a good time to check in with you on a couple of things related to the Fertilizer Institute (TFI) package.

Ex. 5 Attorney Client (AC)

2. Do you, David or Alex have any further changes to the drafts or any questions?
3. Just a reminder: Our call with OLEM is on Tuesday, 9/15 at 10am.

Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Cory, Preston <Cory.Preston@epa.gov>
Sent: Tuesday, August 25, 2020 5:51 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Re: Update on TFI package

Hi Lee,

I'm looping in Alex and David. Will you send along the package before we route to OGC? We'd like to review. I understand this is the regular process- I think I had misread your initial note thinking Anne had reviewed the package itself.

Thank you,
Preston

On Aug 25, 2020, at 1:48 PM, Veal, Lee <Veal.Lee@epa.gov> wrote:

<image001.gif>
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Sent: 9/9/2020 9:27:32 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: White, Rick [White.Rick@epa.gov]
Subject: RE: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

Thank you. I'll do this next.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Edwards, Jonathan <Edwards.Jonathan@epa.gov>
Sent: Wednesday, September 09, 2020 5:26 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: RE: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, September 09, 2020 5:15 PM
To: Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>
Subject: FW: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, September 09, 2020 4:39 PM
To: Harlow, David <harlow.david@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Subject: Phosphogypsum (40 CFR, Part 61, Subpart R) and request by the Fertilizer Institute for approval of other use of phosphogypsum

David:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC). Please do not hesitate to contact me if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

Message

From: Veal, Lee [Veal.Lee@epa.gov]
Sent: 8/31/2020 9:50:42 PM
To: Veal, Lee [Veal.Lee@epa.gov]
Subject: FW: Introduction -- documents related to TFI request
Attachments: 4-7-2020 PG Petition.pdf; Appendix 3 - Metals Risk Screening.pdf; Appendix 4a - Response to Jan 16 2020 Questions.pdf; Appendix 4b - Response to Second Set of EPA Questions.pdf; Appendix 5 - Sampling Report.pdf; Appendix 6 - Economic Report.pdf; Appendix 7 - Location of PG Stacks.pdf; Appendix 8 - Administrative Record.pdf; Attachment A - Road Specs.pdf; Phosphogypsum_risk_technical_summary_full_Markup_8-21-2020 no comments.docx; Appendix 1.pdf; Appendix 2 PG Risk Assessment- Final amended Oct 15-19.pdf

Here is the set of documents provided by TFI, inclusive of all appendices.

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, August 26, 2020 10:16 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

Hello,
Thank you for the discussion this morning. I have attached TFI and EPA documents discussed below.

TFI submitted an initial request in October 2019 and a revised request in April 2020. The TFI documents attached here are from the April submission. If you would like the October documents, I can send those in a separate email.

Ex. 5 Deliberative Process (DP)

Attached is the 1992 EPA BID for the rule that has multiple analyses, including the groundwater pathway for different uses. For roads, the determination was made in 1992 that the groundwater pathway was not important to exposures per the rule. The draft EPA staff technical review of the TFI work references the 1992 BID. I have also included a contractor report by SCA that reviewed the TFI risk assessment.

Tom Peake

US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

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Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

<image001.gif>
Hi Lee,

Ex. 5 Deliberative Process (DP)

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

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I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

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Sent: 8/31/2020 2:57:54 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: White, Rick [White.Rick@epa.gov]
Subject: Update on OLEM consultation

Good morning,

We'll discuss during the general today. This is the latest timing from OLEM/ORCR.

Lee

Lee Ann B. Veal
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Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, August 31, 2020 9:56 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; White, Rick <White.Rick@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: RE: Introduction -- documents related to TFI request

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We expect to complete our review of the TFI documents by September 11. We can schedule a meeting with you the week of September 14 to discuss our concerns and questions.

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Subject: RE: Introduction

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> Hi Lee,
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> **Ex. 5 Deliberative Process (DP)**
>
> Thanks,
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> Caroline
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> Caroline Emmerson
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Subject: RE: Introduction -- documents related to TFI request

Good morning Caroline,

Thank you. I'll ask Patricia to set up something for us that week.

Lee

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> Hi Lee,
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> **Ex. 5 Deliberative Process (DP)**
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> Thanks,
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> Caroline Emmerson
> Acting Associate Division Director
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Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

We've worked closely with OGC and have developed a final draft approval letter for our AA. She has indicated that she would like to make this approval. As we discussed this possibility, we thought we should check in with OLEM, particularly ORCR or those working on beneficial reuse programs.

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Starrs, Charles [Starrs.Charles@epa.gov]
Sent: 7/6/2020 9:34:04 PM
To: Veal, Lee [Veal.Lee@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Revised TFI Briefing for Jon Edwards on July 7

Lee:

Ex. 5 Attorney Client (AC)

Please call if you have any questions.

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Monday, July 06, 2020 2:33 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised TFI Briefing for Jon Edwards on July 7

Dan,

Thank you. I particularly like the way that you addressed the administrative conditions and options language. Well done.

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Monday, July 06, 2020 1:43 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: Revised TFI Briefing for Jon Edwards on July 7

Lee:

I have modified the briefing based on our discussion this morning. Please let me know if you see something that doesn't seem to reflect that discussion. Please send it up if you think it is final. Thanks.

Dan

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 10/15/2020 3:07:12 PM
To: Veal, Lee [Veal.Lee@epa.gov]
Subject: RE: Lots happening on TFI; Lee wants to have you look at two items FW: technical review document and road abandonment document

Today is Thursday. Tomorrow is Friday.

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Thursday, October 15, 2020 11:04 AM
To: Peake, Tom <Peake.Tom@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: Lots happening on TFI; Lee wants to have you look at two items FW: technical review document and road abandonment document

HI Charles,

Ex. 5 Attorney Client (AC)

Tony and Stef,
We are going to need another day for the technical report to clear. It will certainly be complete before the FR is published.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Thursday, October 15, 2020 10:50 AM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Lots happening on TFI; Lee wants to have you look at two items FW: technical review document and road abandonment document

Charles,
Thanks. For the response.
We would like to put both documents on the web site today if at all possible.

Lee also let me know that Jon E and Andrea will be looking at these documents.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, October 15, 2020 10:48 AM
To: Peake, Tom <Peake.Tom@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Lots happening on TFI; Lee wants to have you look at two items FW: technical review document and road abandonment document

Tom:

Ex. 5 Attorney Client (AC)

Charles
202-564-1996

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Wednesday, October 14, 2020 5:35 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Lots happening on TFI; Lee wants to have you look at two items FW: technical review document and road abandonment document

Charles,

Ex. 5 Attorney Client (AC)

Thanks.

Tom Peake

US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Peake, Tom
Sent: Wednesday, October 14, 2020 5:10 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: technical review document and road abandonment document

Lee,
Attached are the latest versions of the technical review and road abandonment documents (guys, please confirm).

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 8/26/2020 2:20:09 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Introduction

Caroline,

Yes, that is correct. We have our own analysis as well that we will share. Given the amount of information, we will also plan to review it with your team. TFI sent it in two batches, one in late 2019 and the final in April 2020.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Wednesday, August 26, 2020 10:03 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Lee,

Thanks for meeting with us this morning. I will advise our technical experts that we will receive the TFI materials and OAR review documents. Just to confirm, are the TFI materials the documents discussed in the paragraph below (p. 2) from the draft approval letter?

Ex. 5 Deliberative Process (DP)

Best,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, August 26, 2020 9:06 AM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Coleman, Cheryl <Coleman.Cheryl@epa.gov>

Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Good morning,

Thank you for your time this morning.

Tom Peake will be sending you the materials from TFI, along with our review documents this morning.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 8:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Introduction

Hi Lee,

I can talk with you from 8:30 am – 9 am tomorrow.

Thanks,

Caroline

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, August 25, 2020 7:41 PM
To: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Re: Introduction

Caroline,

Let's talk in the morning first thing. Does 8:30 am work for you?

Lee

Sent from my iPhone

> On Aug 25, 2020, at 6:11 PM, Emmerson, Caroline <Emmerson.Caroline@epa.gov> wrote:

<image001.gif>
Hi Lee,

We have reviewed OAR's draft approval (attached) of an alternative use of phosphogypsum in road construction and

Ex. 5 Deliberative Process (DP)

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

<Response to TFI-Draft Conditions Letter AA to TFI August 19.docx>

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 8/21/2020 6:21:05 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]
Subject: TFI letter
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 20.docx

Hi Charles,

Ex. 5 Attorney Client (AC)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 8/19/2020 6:52:57 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Diaz, Charlene [diaz.charlene@epa.gov]
Subject: Final draft TFI letter
Attachments: Response to TFI-Draft Conditions Letter AA to TFI August 19.docx

Hi,

Thank you for your work on this letter. Here is a clean final copy with your edits accepted and comments removed from the margins. I made two edits:

Ex. 5 DPP/ACC

I renamed this file using today's date. Obviously the actual letter will be dated after today and we can adjust the filename accordingly.

Unless you have feedback that my edits are wrong, we can start routing this for a final copy. Please let me know if those two edits are good.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 5/27/2020 4:18:58 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

It may be worth noting to Charles that this isn't a meeting/briefing, rather a general to give Anne a quick update. I have up to 10 minutes total for that update, then they move on to Covid-19.
I doubt that David Harlow will participate, but he always could.

Given that OGC really hasn't read through the full petition and details, it might be premature to have an actual meeting.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, May 27, 2020 12:16 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Ex. 5 Attorney Client (AC)

From: Schultheisz, Daniel
Sent: Wednesday, May 27, 2020 12:15 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

This is part of Jon Edward's weekly with Anne, but I will let Lee know of this concern. I don't know if David is typically in those meetings.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, May 27, 2020 12:13 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Ex. 5 Attorney Client (AC)

Charles

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, May 27, 2020 12:03 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

It is going to happen at 2 today. I passed your thoughts on to Lee. Her time to discuss this will be short, so she appreciated the clarity. She will let us know what transpires.

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Wednesday, May 27, 2020 12:01 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Did the meeting with Anne Idsal (that I thought was supposed to happen this morning) get rescheduled? If so, do you have a new date/time?

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, May 26, 2020 1:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Ex. 5 Attorney Client (AC)

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, May 26, 2020 12:48 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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St. Louis, MO, USA

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 5/26/2020 6:38:58 PM
To: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]
Subject: RE: Revised Petition, Response to Questions, etc.

Dan,

Thank you. This is helpful. Tell me if I have this right:

Ex. 5 DPP/ACC

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, May 26, 2020 1:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Ex. 5 Attorney Client (AC)

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Tuesday, May 26, 2020 12:48 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

Ex. 5 Attorney Client (AC)

Charles Starrs
Air and Radiation Law Office
Office of General Counsel
U.S. EPA
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 3:21 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

I am also out tomorrow. I am generally free on Tuesday if you want to discuss. Thanks, and have a great long weekend.

Dan

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, May 21, 2020 2:11 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Revised Petition, Response to Questions, etc.

Dan:

I'm not sure what time will permit this week. I am fully committed until at least about 4:00 p.m. today and it may be that I will be tied up through the end of the day. Tomorrow, I am on leave. Back in the office on Tuesday.

Charles
202-564-1996

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Thursday, May 21, 2020 1:30 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Charles:

Ex. 5 Attorney Client (AC)

To that end, later today I will send you a draft letter to look at. Sorry for the quick turnaround request. Thanks.

Dan Schultheisz
U.S. Environmental Protection Agency
Office of Radiation and Indoor Air
Radiation Protection Division
(202) 343-9349

From: Veal, Lee
Sent: Wednesday, May 20, 2020 6:12 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Subject: FW: Revised Petition, Response to Questions, etc.

Hi Charles,

Our team has nearly finished the risk assessment review of the TFI application materials. I've asked them to start thinking about how to respond and no doubt we will need to confer with you on a number of subjects.

I am hopeful that Jonathan sent you these materials when we received them on April 8, but if not, here they are. TFI revised their petition (attached) since the one provided October 2019.

I understand that you've been out for a few days. Sorry to hit you with so much on re-entry.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Wednesday, April 08, 2020 8:25 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: Revised Petition, Response to Questions, etc.

Lee and Jon,

Good morning. I hope this finds you both well.

Attached is a updated version of the PG petition, response to the EPA questions on the risk assessment posed in January, response to the questions on the reclaimer scenario, and other assorted supporting appendices, some of which you have already seen. Not attached are Appendices 1 and 2, which accompanied the submittal in October 2018. I would be happy to resend these to your attention, if so desired.

Please confirm that you received these files (9 in all).

I will reach out early next week to discuss next steps in the petition review process and the potential need for a conference call.

Regards,
Andy

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

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St. Louis, MO, USA

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 6/29/2020 6:11:12 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]
Subject: TFI Request for Support for Phosphogypsum Petition
Attachments: CEO PG Letter to EPA 6-26-20 FINAL.pdf

Hi Charles,

My apologies for not sending this earlier today. I clearly should have done so. Please share this communication as appropriate within OGC.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Andy O'Hare <aohare@tfi.org>
Sent: Monday, June 29, 2020 7:10 AM
To: Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: FW: TFI Request for Support for Phosphogypsum Petition

Lee and Jon,

FYI.

Regards,
Andy

From: Andy O'Hare
Sent: Friday, June 26, 2020 3:43 PM
To: wheeler.andrew@epa.gov
Cc: idsal.anne@epa.gov
Subject: TFI Request for Support for Phosphogypsum Petition

Administrator Wheeler,

Attached please find a letter signed by the President and CEO of The Fertilizer Institute (TFI) as well as the President and CEO of the three U.S. producers of phosphate fertilizer. The letter urges the agency to approve a petition filed by TFI with EPA for consideration, which if granted, would facilitate the recycling and reuse of phosphogypsum, a by-product of phosphate fertilizer production.

Please do not hesitate to reach out to me to address any questions you may have about this matter.

Thank you for your consideration.

Regards,

Andy O'Hare

Andrew (Andy) T. O'Hare, CAE
Vice President, Public Policy
The Fertilizer Institute
425 Third Street, SW
Suite 950
Washington, DC 20024
(202) 515-2704 (office)
(202) 270-0094 (cell)
aohare@tfi.org

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 6/15/2020 8:58:00 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]
Subject: FW: Mosaic Briefing Materials
Attachments: TFI_briefing-pager_6-15-20_Final.docx

FYI

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

-----Original Message-----
From: Veal, Lee
Sent: Monday, June 15, 2020 4:57 PM
To: Harlow, David <harlow.david@epa.gov>; Landeene, Sarah <Landeene.Sarah@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>
Cc: Idsal, Anne <idsal.anne@epa.gov>; Edwards, Jonathan <Edwards.Jonathan@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: Mosaic Briefing Materials

Hi David, Sarah, and Preston,

Anne requested a briefing paper on the status of our work with The Fertilizer Institute and Mosaic on their request to use phosphogypsum in road construction. I understand that she discussed this with Jon in their general earlier last week, and she indicated that I should send it on to you while she is away. Her original request to me is below for your reference.

The first page includes a status update and the second page includes some talking points that may be helpful. If you would like to see changes, please ask.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322 www.epa.gov/radiation

-----Original Message-----
From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Wednesday, June 10, 2020 9:35 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Landeene, Sarah <Landeene.Sarah@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: Re: Mosaic Briefing Materials

Lee,

Would Monday be possible?

Thanks,
Anne

Sent from my iPad

> On Jun 10, 2020, at 9:14 AM, Veal, Lee <Veal.Lee@epa.gov> wrote:
>
> Good morning Anne,
>
> Yes, of course. I'll get that prepared. When would you like it?
>
> Lee
>
> Lee Ann B. Veal
> Director, Radiation Protection Division Office of Radiation and Indoor
> Air
> Office: 202-343-9448; Cell: 202-617-4322

> http://www.epa.gov/radiation
>
> -----Original Message-----
> From: Idsal, Anne <idsal.anne@epa.gov>
> Sent: Wednesday, June 10, 2020 9:10 AM
> To: Veal, Lee <Veal.Lee@epa.gov>
> Cc: Cory, Preston <Cory.Preston@epa.gov>; Landeene, Sarah
> <Landeene.Sarah@epa.gov>; Harlow, David <harlow.david@epa.gov>
> Subject: Mosaic Briefing Materials
>
> Good morning Lea,
>
> Would you please send me a one-pager on the phosphogypsum issue with the Fertilizer Institute and Mosaic? AW will likely be meeting with them on an upcoming trip and I'd like to be sure we provide some background and a status update on where things currently stand.
>
> Best,
> Anne
>
> Sent from my iPad

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 6/15/2020 4:28:44 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
Subject: Administrator Briefing Paper
Attachments: TFI_briefing-pager_6-15-20_oria draft.docx

Good afternoon Charles,

Anne Idsal has asked us for a briefing paper on the TFI project. The Administrator has an upcoming trip during which he will be meeting with Mosaic and perhaps other TFI representatives. She asked if we could please give this to her today, Monday, 6/15.

We've just completed the draft of this paper and I'd like to get an OGC review of it before we send it on. Are you able to read this today? It is just under 2 pages of bullets.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 12/3/2020 3:23:41 PM
To: Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]; Starrs, Charles [Starrs.Charles@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: FW: Phosphogypsum Reuse Clarifications

FYI

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Idsal, Anne <idsal.anne@epa.gov>
Sent: Thursday, December 03, 2020 10:17 AM
To: Ed Thomas <ethomas@tfi.org>
Cc: Veal, Lee <Veal.Lee@epa.gov>; edwards.jonathon@epa.gov; Campbell, Ann <Campbell.Ann@epa.gov>; Leason, Chris S. <chris.leason@gknet.com>
Subject: Re: Phosphogypsum Reuse Clarifications

Good morning Ed,

Thank you for your letter. I've asked my team to consider your request and to set up a time to brief me as soon as possible. We'll get back with you quickly.

Many thanks,
Anne

Sent from my iPad

On Dec 1, 2020, at 2:12 PM, Ed Thomas <ethomas@tfi.org> wrote:

Dear Ms. Idsal:

The Fertilizer Institute would like to extend our sincere appreciation for the work you and your staff completed to evaluate and ultimately approve our petition to reuse phosphoogypsum as a road base material. As a follow up to the approval, we have attached a letter seeking EPA concurrence with several clarifications to certain "other" conditions within the letter. We look forward to your response, however, please feel free to contact me with any follow up questions you may have. I can be reached by email at ethomas@tfi.org or by mobile at 443-739-1358. Thanks in advance for your consideration regarding this matter.

Sincerely,
Ed Thomas

Ed Thomas
Director, Regulatory Affairs
TFI is moving! Effective December 11, our new address will be:
The Fertilizer Institute
4201 Wilson Boulevard
Suite 700
Arlington, Virginia 22203
Work: 202-515-2714
Mobile: 443-739-1358
E-mail: ethomas@tfi.org

<image001.png>

<image002.png>

<TFI_PG_Determination_Clarification_Request_12-1-20 final (002).pdf>

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 11/13/2020 7:21:04 PM
To: Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Wieder, Jessica [Wieder.Jessica@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: For Review: Media Inquiry— phosphogypsum
Attachments: Media Inquiry_B Fortis_11-13-20.docx

HI,

A few comments and edits for you.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Friday, November 13, 2020 10:45 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: For Review: Media Inquiry— phosphogypsum

Good morning Lee,

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Thanks!
Stefanie

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Tuesday, November 10, 2020 10:05 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Re: Media Inquiry— phosphogypsum

Thanks Katie. Is her deadline NEXT Thursday?

Stefanie - can you pull from the Q&A to get a start on these?

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, November 10, 2020 10:03 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry— phosphogypsum

Hello,

We received the inquiry below. She has previously reached out, although she came back with her specific questions. Her deadline is Thursday. She is working with the Pulitzer Center and may co-publish elsewhere.

Please let me know how you would like to respond.

Thanks,

Angela

> On Nov 6, 2020, at 7:58 PM, Bianca M Fortis <bf2439@columbia.edu> wrote:
>
> Hi Enesta,
>
> Thank you for your patience. To reiterate, I would like to better understand the EPA's change in policy regarding using phosphogypsum road construction, particularly after so many years since the initial 1989 ban. Because this is a complicated topic, it would be very helpful if I could speak to someone directly. Please let me know if I can clarify any of these questions. My deadline is Thursday, Nov. 19.
>
> Thank you,
> Bianca
>
> Why did the EPA change the policy? I understand that the change comes after the Fertilizer Institute submitted a petition last year and that the EPA reviewed EPA considered a petition from the Fertilizer Institute. Previous modeling the EPA did showed that the phosphogypsum was too radioactive to be used in roads, but the study by the Fertilizer Institute shows otherwise. What changed?
>
> Why was the Fertilizer Institute's request revised in April?

When does the new policy change take effect?

How does the review process for these petitions work?

Has the EPA done studies to determine what the level of radioactivity is in the gypsum stacks, particularly those in Central Florida that contain higher radiation?

Has there been any evaluation of the heavy metals contained within the phosphogypsum?

How will the EPA monitor roads that use phosphogypsum?

Where are there phosphogypsum stacks besides Florida?

If the phosphogypsum is being used for government roads, are the fertilizer companies selling the material to government agencies? How will this work?

Will truck drivers be notified that they are transporting material that is potentially radioactive? Will residents be notified if there are roads built near them?

The EPA had previously denied the use of phosphogypsum in roads out of concern that roads could eventually be abandoned and break down. Why is this no longer a concern?

What other petitions related to the use of phosphogypsum have there been since 1989?

What's the amount of phosphogypsum that is contained in stacks right now?

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/15/2020 2:36:27 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Thank you Charles. We'll make these adjustments as well.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Starrs, Charles <Starrs.Charles@epa.gov>
Sent: Thursday, October 15, 2020 10:31 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Lee:

(As I noted in my messages to Dan, I'm still muddling along....)

When I click on the link you provided, I find the TFI-related discussion set out below. I have incorporated a few suggested edits in that text.

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Charles
202-564-1996

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 5:12 PM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Wednesday, October 14, 2020 5:10 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Schultheisz, Daniel
Sent: Wednesday, October 14, 2020 5:04 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Starrs, Charles <Starrs.Charles@epa.gov>
Subject: RE: Media Inquiry: Politico re Phosphogypsum

See suggested responses to the first two questions below in red. I have asked Charles to provide something for the third.

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 4:37 PM

To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 4:36 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum

You're going to be getting a lot of these.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 4:30 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Politico re Phosphogypsum

Good afternoon,

DDL: ASAP

There are no hearings or comment period for this right? There is no rulemaking or permit review, right?

Ex. 5 Deliberative Process (DP)

I tried finding the docket for it but could not. Has there been any comment in opposition to the petition? How could I access that?

Ex. 5 Deliberative Process (DP)

Is there a process for challenging the announcement or requesting a hearing, or rulemaking?

Appointment

From: Veal, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb5e1fde4d7041539934f58976a20fc2-Veal, Lee]
Sent: 8/25/2020 11:49:28 PM
To: Emmerson, Caroline [Emmerson.Caroline@epa.gov]
CC: Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; White, Rick [White.Rick@epa.gov]

Subject: Introduction
Location: Microsoft Teams Meeting

Start: 8/26/2020 12:30:00 PM
End: 8/26/2020 1:30:00 PM
Show Time As: Tentative

Caroline and Cheryl,

Setting up a provisional discussion for us.

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)

Conference ID: Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Tuesday, August 25, 2020 6:11 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Lee,

Ex. 5 Deliberative Process (DP)

Thanks,

Caroline

Caroline Emmerson
Acting Associate Division Director
RCSD/OLEM
Office: 202-564-1716

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Friday, August 21, 2020 10:25 AM
To: Coleman, Cheryl <Coleman.Cheryl@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: FW: Introduction

Hi Cheryl,

I just left a voicemail for you, and promised an email with more information. Perhaps you could send me to the right person to speak with on an issue related to alternative use of phosphogypsum.

My division is responsible for the radionuclide NESHAPS CAA regulations and program management. We've been approached by the fertilizer industry, represented by The Fertilizer Institute (TFI), for approval of an alternative use of phosphogypsum in road construction under 40 CFR 61.206. Fertilizer companies produce phosphogypsum as a solid waste byproduct, and they currently 'store' this material in enormous engineered stacks, which are getting larger all the time. Phosphogypsum contains elevated levels of radium and its decay products, including radon gas, which we regulate as hazardous air pollutants (HAPs).

Our regs allow for people to request uses of phosphogypsum besides putting the material in stacks. The alternate use needs to have a risk below that of keeping the material in a stack (around 3 in 10,000 fatal cancer risk). TFI has provided such a risk assessment and our technical staff have reviewed this thoroughly and found it to be within that margin of risk.

Ex. 5 Deliberative Process (DP)

I'm available for a conversation if that would be helpful. Tom Peake and Dan Schultheisz are the two managers in our division working on this approval, and I've copied both here.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 8/25/2020 1:46:55 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; White, Rick [White.Rick@epa.gov]; Holden, Patricia [Holden.Patricia@epa.gov]; Jessica Wieder [Wieder.Jessica@epa.gov]
Subject: TFI package
Attachments: Response to TFI- Letter PDAA to TFI 08242020ph.docx

Good morning,

Here is a Word copy of the letter that has been formatted by Patricia.

Ex. 5 Deliberative Process (DP)

Thank you
Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/14/2020 9:07:01 PM
To: Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Diaz, Charlene [diaz.charlene@epa.gov]
Subject: Media Inquiry: Politico re Phosphogypsum

Hi,

The Agency issued a press release on the TFI approval: https://www.epa.gov/newsreleases/epa-approves-use-phosphogypsum-road-construction

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 4:37 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 4:36 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum

You're going to be getting a lot of these.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 4:30 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Politico re Phosphogypsum

Good afternoon,

DDL: ASAP

There are no hearings or comment period for this right? There is no rulemaking or permit review, right?

I tried finding the docket for it but could not. Has there been any comment in opposition to the petition? How could I access that?

Is there a process for challenging the announcement or requesting a hearing, or rulemaking?

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 9/15/2020 1:30:28 PM
To: Holden, Patricia [Holden.Patricia@epa.gov]
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx
Attachments: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx; TFI approval letter on AD Letterhead Sept 11 ORCR Suggested Edits 9 14 2020.docx; OLEM OAR Agenda TFI Petition Approval Sept 15 2020 annotated 337 pm.docx

Patricia,

Could you please post these onto the 10am morning invitation for today? It is our TFI meeting.

Thank you

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Emmerson, Caroline <Emmerson.Caroline@epa.gov>
Sent: Monday, September 14, 2020 3:41 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Coleman, Cheryl <Coleman.Cheryl@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>; Chow, Rita <Chow.Rita@epa.gov>
Subject: FW: ORCR_OAR Discussion Paper_Use of Phosphogypsum in Road Construction 9 14 2020 330 pm.docx

Lee,

Attached are the agenda for tomorrow's meeting, ORCR's Discussion Paper, and ORCR's suggested edits to the Draft TFI Approval letter. We look forward to talking with you tomorrow.

Thanks,

Caroline

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/27/2020 7:32:13 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
CC: White, Rick [White.Rick@epa.gov]; Wieder, Jessica [Wieder.Jessica@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Peake, Tom [Peake.Tom@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--don't see the benefit in pointing them to international site

Tony,

I'm fine with that. Thanks

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 3:31 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--don't see the benefit in pointing them to international site

Dear Lee:

Ex. 5 Deliberative Process (DP)

Tony

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 27, 2020 3:08 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today

Hi Tony,

Here are a few additions:

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 27, 2020 2:15 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Action: Media Inquiry: Washington Examiner re phosphogypsum--Answer for Your Approval. DDL 5 PM Today
Importance: High

Dear Lee:

We got another inquiry on the TFI approval, this time from the Washington Examiner. Please review CWMR's answer below, make any desired changes, and let me know if I can forward to OAR Comms. Deadline is 5 PM today, and you know you are welcome to call with questions.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Tuesday, October 27, 2020 12:15 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: Washington Examiner re phosphogypsum

Hello! Is this deadline doable (i.e., 5:30 for me)?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 27, 2020 12:14 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: Media Inquiry: Washington Examiner re phosphogypsum

Good afternoon,
DDL: EOD, 10/27.

1. Did the EPA rely on any studies outside of TFI's risk analysis in this decision?
2. Will this pave the way (pardon the pun) for other alternate uses of phosphogypsum in the future?
3. How common is phosphogypsum use in roads in other countries?

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 1/29/2020 9:03:48 PM
To: Starrs, Charles [Starrs.Charles@epa.gov]
CC: Peake, Tom [Peake.Tom@epa.gov]; Dan Schultheisz (Schultheisz.Daniel@epa.gov) [Schultheisz.Daniel@epa.gov]; Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: FW: Handouts from today's (1/24/20) meeting with TFI and lawyers
Attachments: handout ofWI benerficial use from Jan 24 2020 meeting with TFI lawyers.pdf; handouts on two step process from Jan 24 2020 meeting with TFI lawyers.pdf

Hi,

Just moving this email up in the in-box for everyone.

These are the handouts from the Friday meeting with TFI.

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Friday, January 24, 2020 1:33 PM
To: Starrs, Charles <Starrs.Charles@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: Handouts from today's (1/24/20) meeting with TFI and lawyers

Charles,
Attached are documents TFI provided us as part of the discussion today. The WI handout was Karen's copy so the marks on that page are hers. She gave that to use because she thought it was a good model for phosphogypsum.
They were disappointed you weren't there.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/20/2020 8:31:16 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry Due noon WED 10/21: Jon Walsh had a suggested edit to the language previously provided to Politico

Please do.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 20, 2020 4:30 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Media Inquiry Due noon WED 10/21: Jon Walsh had a suggested edit to the language previously provided to Politico

Thanks. **Ex. 5 Deliberative Process (DP)**

Tony

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 20, 2020 4:25 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry Due noon WED 10/21: Jon Walsh had a suggested edit to the language previously provided to Politico

Hi Tony,

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Tuesday, October 20, 2020 4:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry Due noon WED 10/21: Jon Walsh had a suggested edit to the language previously provided to Politico

Dear Lee:

Thanks for calling. To recap:

Ex. 5 Deliberative Process (DP)

My opinion is that both versions answer the question well, so please let me know which version you prefer.

Good morning,
TO FLORIDA PHOENIX
DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works,

PREVIOUSLY APPROVED CONTENT—YELLOW HIGHLIGHTED content taken directly from the published website.

In October 2019, EPA received a request from The Fertilizer Institute (TFI), on behalf of its members that own or operate phosphogypsum stacks, to take phosphogypsum out of the stacks and use it in road construction. This request was subsequently revised in April 2020.

.... and why was there no public comment or public hearing allowed?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Nesky, Anthony
Sent: Tuesday, October 20, 2020 3:25 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry Due noon WED 10/21: The questions are the same as Politco's; we can simply repeat previously approved answers.

Can I ask you a question about this first? Please call at your convenience.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Tuesday, October 20, 2020 3:23 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: Media Inquiry Due noon WED 10/21: The questions are the same as Politco's; we can simply repeat previously approved answers.

Tony,

I think that is right. Thank you. Please send it onward.

Lee

Lee Ann B. Veal

Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Monday, October 19, 2020 6:03 PM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: White, Rick <White.Rick@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: Media Inquiry Due noon WED 10/21: The questions are the same as Politco's; we can simply repeat previously approved answers.

Dear Lee:

We have another press inquiry from the Florida Phoenix, but fortunately, it's the same question that Politico asked, so we can simply send the same answers. They also asked "How long has this been in the works." That information is currently provided on the website, so I simply clipped the language from it. (See yellow highlight)

The complete Q&A is below, which I'd like to send Kati tomorrow after the Federal Register is published, and the Docket is open, so that we are sending complete information. Please let me know if that is OK with you.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

TO FLORIDA PHOENIX
DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works, and why was there no public comment or public hearing allowed?

PREVIOUSLY APPROVED ANSWER—YELLOW HIGHLIGHTED content taken directly from the published website. The rest is an approved answer submitted to Politico on 10/15/20.

In October 2019, EPA received a request from The Fertilizer Institute (TFI), on behalf of its members that own or operate phosphogypsum stacks, to take phosphogypsum out of the stacks and use it in road construction. This request was subsequently revised in April 2020.

This approval falls under the established procedures for approving other uses of phosphogypsum in 40 CFR 61.206. That process does not require a hearing or comment period. However, as a condition of the approval, a government agency that intends to use phosphogypsum in a road construction project must provide public notice of the proposed project and an opportunity for the public to review road plans and risk assessment materials. Also, in general, public notice, hearings, and opportunities for comment may be at the state or local level in connection with road construction.

The risk assessment, petitions, approval letter and other supporting document are available on our website at https://www.epa.gov/radiation/approval-other-uses-phosphogypsum-supporting-documents

They are also available in the Docket No. EPA-HQ-OAR-2020-0442, accessible through www.regulations.gov.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, October 19, 2020 8:48 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum

Yup, 10/21. That's fine!

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Monday, October 19, 2020 8:47 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: RE: Media Inquiry: Florida Phoenix re phosphogypsum

Good morning, Kati!

The deadline is 10/21, right? I was just going to shoot you our previously approved answers right now, but if the deadline is 10/21, I'd rather wait until tomorrow, when we expect the Federal Register Notice to appear and the Docket to open.

Tony

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, October 19, 2020 8:04 AM
To: Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: Florida Phoenix re phosphogypsum

Repeat questions, so hopefully not too much work. ☺

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, October 19, 2020 7:34 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Florida Phoenix re phosphogypsum

Good morning,

DDL: noon, 10/21.

Hi. The press release you sent out last week regarding the decision to allow phosphogypsum to be used in government road construction projects mentioned that it was based on an EPA review of a risk assessment analysis by The Fertilizer Institution. Is that risk analysis posted online anywhere? If not, could I get a copy, please?

Also, how long has this decision been in the works, and why was there no public comment or public hearing allowed?

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/14/2020 8:20:24 PM
To: Millett, John [Millett.John@epa.gov]; Nesky, Anthony [Nesky.Tony@epa.gov]; Stevens, Katherine [stevens.katherine@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]
CC: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Media Inquiry: E&E re Phosphogypsum

On it right now.

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 4:12 PM
To: Veal, Lee <Veal.Lee@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum

Ex. 5 Deliberative Process (DP)

From: Veal, Lee <Veal.Lee@epa.gov>
Sent: Wednesday, October 14, 2020 3:27 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum

John,

Ex. 5 Deliberative Process (DP)

Lee

Lee Ann B. Veal
Director, Radiation Protection Division

Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Wednesday, October 14, 2020 3:23 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Media Inquiry: E&E re Phosphogypsum

Ex. 5 Deliberative Process (DP)

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 3:14 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Media Inquiry: E&E re Phosphogypsum

See below.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Wednesday, October 14, 2020 3:08 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: E&E re Phosphogypsum

Good afternoon,

DDL: noon, 10/15

1. Why can the 10 pCi/g radium content limit outlined in Subpart R of 40 CRF part 61 now be surpassed to up to 35 pCi/g with regards to approved road projects?
2. The prepub federal register announcement refers to a Radiological Risk Assessment and Review of Radiological Risk Assessment by The Fertilizer Institute. I can't find those documents anywhere. Can you send them to me?

3. The announcement also refers to a letter from Andrew Wheeler to Corey Rosenbusch, president of The Fertilizer Institute, where I can find a complete list of terms and conditions applicable to this gypsum road approval. It says I can find it at Docket No. EPA-HQ-OAR-2020-0442 but that docket number shows 0 results on regulations.gov. Can you send me that letter please?

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/15/2020 8:03:47 PM
To: Nesky, Anthony [Nesky.Tony@epa.gov]
Subject: RE: Media Inquiry from Center for Biodiversity: RPD's Approved Answer is below

Center for Biological Diversity – BTW

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Nesky, Anthony <Nesky.Tony@epa.gov>
Sent: Thursday, October 15, 2020 3:47 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Cc: Veal, Lee <Veal.Lee@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>; White, Rick <White.Rick@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: Media Inquiry from Center for Biodiversity: RPD's Approved Answer is below
Importance: High

Dear Kati:
Dear Kati:

Here is RPD's approved answer to the question from the Center for Biodiversity.

Tony Nesky
Center for Radiation Information and Outreach
Tel: 202-343-9597
nesky.tony@epa.gov

Center for Biological Diversity just sent this. Can you comment on this?

The last time it was evaluated for use in roads, the EPA found that the gypsum in FL was to radioactive for that use. (http://www.fipr.state.fl.us/about-us/phosphate-primer/phosphogypsum-and-the-epa-ban/). Without seeing the EPA's analysis (assuming there is one), I can't imagine what has changed, except the agency's tolerance for which and how many people get sick or die as a result of exposure.

APPROVED RPD ANSWER

In 1992, EPA analyzed the use of phosphogypsum in road construction and determined that the risks to road construction workers and members of the public using the road and living near the road were likely acceptable. However, as noted by the referenced web site, the potential risks to a future resident, referred to as a reclaimer, living in a home built on the site of an abandoned road were unacceptably high. For this reason, EPA did not provide a categorical approval for use in roads, as it did for the use of phosphogypsum in agriculture in 40 CFR

61.204 and research and development in 40 CFR 61.205. The 1992 rule provided a process to request approval of other uses of phosphogypsum, including road construction, and that process is described in 40 CFR 61.206. After considering the request by The Fertilizer Institute, the Agency believes its concerns regarding future use of the road site can be addressed by appropriate terms and conditions. This approval allows for the use of phosphogypsum in road construction, but not for unrestricted use of a road site in the future. As conditions of this approval, records are required to be generated and maintained which would inform the consideration of the risks to the public, should the road become disused and the site proposed for use for any purpose other than a road.

The Docket with the supporting documents will become active once the Federal Register Notice is published (www.regulations.gov, search on Docket No. EPA-HQ-OAR-2020-0442). We are making the approval letter and some other supporting documents available on our website until the Docket opens. You can see them at:

https://www.epa.gov/radiation/approval-other-uses-phosphogypsum-supporting-documents

---

From: Stevens, Katherine
Sent: Thursday, October 15, 2020 12:58 PM**To:** Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Media Inquiry: Politico re Phosphogypsum--Approved RPD Answer

See below.

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Thursday, October 15, 2020 12:57 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>
Subject: Re: Media Inquiry: Politico re Phosphogypsum--Approved RPD Answer

Any response to his question below?

Center for Biological Diversity just sent this. Can you comment on this?

The last time it was evaluated for use in roads, the EPA found that the gypsum in FL was to radioactive for that use. (http://www.fipr.state.fl.us/about-us/phosphate-primer/phosphogypsum-and-the-epa-ban/). Without seeing the EPA's analysis (assuming there is one), I can't imagine what has changed, except the agency's tolerance for which and how many people get sick or die as a result of exposure.

Message

From: Veal, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB5E1FDE4D7041539934F58976A20FC2-VEAL, LEE]
Sent: 10/14/2020 3:03:03 PM
To: Peake, Tom [Peake.Tom@epa.gov]
Subject: FW: Phosphogypsum at 10 am today

Ex. 5 Deliberative Process (DP)

Lee Ann B. Veal
Director, Radiation Protection Division
Office of Radiation and Indoor Air
Office: 202-343-9448; Cell: 202-617-4322
www.epa.gov/radiation

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Wednesday, October 14, 2020 9:51 AM
To: Veal, Lee <Veal.Lee@epa.gov>
Cc: Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum at 10 am today

Lee,

Ex. 5 Deliberative Process (DP)

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Wednesday, October 14, 2020 9:37 AM
To: Millett, John <Millett.John@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Ex. 5 Deliberative Process (DP)

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 9:32 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Ex. 5 Deliberative Process (DP)

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Wednesday, October 14, 2020 9:26 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Cc: Millett, John <Millett.John@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Ex. 5 Deliberative Process (DP)

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 9:10 AM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

They didn't clarify whether or not they wanted it published yet, though…

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

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From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Wednesday, October 14, 2020 9:09 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>
Subject: FW: Phosphogypsum at 10 am today

FYI

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 14, 2020 8:56 AM
To: Millett, John <Millett.John@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Morgan, Ruthw <morgan.ruthw@epa.gov>
Subject: RE: Phosphogypsum at 10 am today

Hello,

Please see the signed letter attached. I will wait to put the letter into the mail until after the release goes out.

Thanks,

Angela

From: Millett, John <Millett.John@epa.gov>
Sent: Wednesday, October 14, 2020 8:52 AM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: Phosphogypsum at 10 am today

Updated the subject line. Adding Angela, Ann and John S. Will we know that the action has been signed in time to post by 10? It'd be good to know that it's signed by at least 9:30.

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 14, 2020 8:35 AM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Let's do 10:00 AM.

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Wednesday, October 14, 2020 8:21 AM
To: Block, Molly <block.molly@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

I'll have RPD publish updated web as soon as they're able. Would you like the signed letter published too?

K

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

Please consider the environment before printing this e-mail

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, October 13, 2020 4:11 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Approved below:

EPA Approves Use of Phosphogypsum in Road Construction

WASHINGTON (October 14, 2020) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler approved a request from The Fertilizer Institute (TFI) to allow phosphogypsum to be used in government road construction projects.

"Allowing the reuse of phosphogypsum shows EPA's commitment to working with industry in a way that both reduces environmental waste and protects public health," **said EPA Administrator Andrew Wheeler.** "The approval of this request means that phosphogypsum, which already requires significant engineering and regulatory controls to be disposed of in stacks, can now be put to productive use rebuilding our nation's infrastructure. This demonstrates President Trump's commitment to "win-win" environmental solutions."

"TFI strongly supports and appreciates EPA's science-based review and decision to allow the limited use of phosphogypsum, a by-product of phosphate fertilizer manufacturing. This decision strengthens the industry's sustainability efforts and long term environmental stewardship," **said TFI President & CEO Corey Rosenbusch.**

Phosphogypsum, a byproduct material of phosphate fertilizer production, is by regulation disposed of in massive, above-ground piles, commonly called "stacks." Each "stack" can span thousands of yards, be higher than a football field, and contain approximately 70 million tons of phosphogypsum. By finding a new way to use phosphogypsum, EPA is helping create a sustainable path to improve the environment while allowing for responsible reuse and recycling of a valuable byproduct.

The U.S. produces approximately 20% of the world's phosphogypsum. In countries where reuse is practiced - such as road building, construction material, fertilizer, and landfill cover - up to 20% of annual phosphogypsum production is diverted from stacking to other uses. While the approval of TFI's request does not mean that phosphogypsum will become widespread in roads, it allows state and local governments to investigate the opportunity to use phosphogypsum in appropriate road construction projects.

Risk analyses conducted by TFI, and reviewed by the EPA, demonstrate that the proposed use of phosphogypsum in road construction is as protective of public health, in both the short- and long-term, as is disposal of phosphogypsum in a stack. TFI's risk assessment and this approval reflect the most significant efforts made on the topic of alternate use for phosphogypsum since they early 1990's.

This approval sets limits and requirements to protect public health and requires public notice of phosphogypsum use in roads. To protect public and worker health, there are restrictions on the proportion of phosphogypsum in the mixture that can be used in a road project. The terms and conditions also impose restrictions on how and where phosphogypsum can be incorporated into the road design. For example, a road constructed with phosphogypsum may not be abandoned and used for other non-road purposes. Government agencies proposing to construct roads using phosphogypsum must still comply with other applicable laws and regulations, including use of appropriate technical standards and specifications.

For more information on how EPA protects the public and the environment from the hazards of radioactive materials found in phosphogypsum, please visit Subpart R: National Emissions Standards for Radon Emissions From Phosphogypsum Stacks.

Background

Phosphogypsum is a byproduct material of phosphate fertilizer production. It is regulated for the presence of radium-226, a naturally occurring radioactive substance that produces radon gas, a hazardous air pollutant.

The Clean Air Act requires the disposal of phosphogypsum in stacks, except for limited agricultural and research uses. The Clean Air Act also provides a procedure to request authorization to use phosphogypsum for other uses, and that the Assistant Administrator may approve such a request if the alternative uses fall below risk thresholds.

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From: Block, Molly
Sent: Tuesday, October 13, 2020 4:03 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

We can go whenever on phosphogypsum. Do you guys have a preference?

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 3:30 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie)

<Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Molly can give more info on timing for phosphogypsum, but we should be good approvals wise.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 3:26 PM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

That's helpful, thanks. I don't know when CSAPR will be signed on Thursday. Would there be a conflict with that announcement going out the same afternoon?

Also, are we all set for phosphogypsum tomorrow? Any sense of timing for that one?

Finally, regarding E15, I am still waiting on some comments from OLEM but hope to have materials to you all very soon.

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Tuesday, October 13, 2020 2:48 PM
To: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Isabel, I think Fuels Streamlining is going to go out at 2:00 pm on Thursday.

From: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Sent: Tuesday, October 13, 2020 12:47 PM
To: Block, Molly <block.molly@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

Hi Molly,
We are hearing that signature for the CSAPR is expected on Thursday. We also have Fuels Streamlining happening that day. Do we have a target time for the Streamlining announcement? Would it work to plan for a CSAPR announcement later in the day (to give time to ensure signature and get things teed up for posting)?

Thanks,
Isabel

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 09, 2020 3:13 PM
To: Stevens, Katherine <stevens.katherine@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>;

Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: RE: CSAPR update comms package

What does timing look like for this?

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Friday, October 9, 2020 1:09 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>; Block, Molly <block.molly@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Millett, John <Millett.John@epa.gov>; Tardif, Abigale (Abbie) <Tardif.Abigale@epa.gov>
Subject: CSAPR update comms package

Good afternoon,

Attached is the PR, factsheet, Q&A, and comms plan for the CSAPR update.

Thanks,
Kati

Kati Stevens
Public Affairs Specialist
Office of Air and Radiation
Desk: (202)-564-3251
Cell: (202)-740-7034

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Message

From: Lee, Raymond [Lee.Raymond@epa.gov]
Sent: 7/20/2020 3:49:36 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Hi Jon,

Got a ping again from OCIR on this. Should I tell them we'll have something by the end of today?

Thanks,

Ray

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Monday, July 20, 2020 8:59 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Good morning Ray,
OCIR is looking for the status on this one.
Thanks!
Kristina

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Thursday, July 16, 2020 10:45 AM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Yep Kristina – I haven't forgotten!

We had a briefing late yesterday with the AA on the TFI issue. We also have that controlled correspondence we're about to finalize, so the lead in our office is now just making sure our message is consistent and management is on board. I know they got some direction at the briefing so I believe it's just crossing t's and dotting i's at this point.

You can expect something by the end of today, or at the very latest COB tomorrow.

Thanks,

Ray

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Thursday, July 16, 2020 10:38 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Hi Ray,
Just checking in on a status update for this one.
Thanks!
Kristina

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 3:52 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Absolutely, Kristina – we've been working on the TFI stuff for many months now and will forward this to them for a response/status update.

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Monday, July 13, 2020 12:51 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Happy Monday Ray!
Can you do some digging and see if there is anything we can share with Rubio's office?
Thanks!
Kristina

From: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Sent: Monday, July 13, 2020 12:48 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Subject: Senator Rubio inquiry on Phosphogypsum

Hi Kristina,
Below is an inquiry from Sen Rubio's office. I think it has something to do with radioactive material from fertilizer production (https://www.epa.gov/radtown/radioactive-material-fertilizer-production). Would you please find out what can be shared with his office? Can you share feedback by the end of the week? I don't have the sense there's a rush, but I think we want to be responsive.

Thanks – Karen.

The Fertilizer Institute submitted a petition to allow reuse of phosphogypsum in roadbed, I understand it's currently under consideration. A constituent asked about its status in the process, is that's something that can be shared?

Message

From: Lee, Raymond [Lee.Raymond@epa.gov]
Sent: 7/15/2020 7:19:10 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Sounds good!

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Wednesday, July 15, 2020 2:06 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Yes, we brief the AA at 2:30 and should get some policy direction from that briefing.

We can start to put a letter through review and make it more specific as our legal strategy develops.

Jon

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Wednesday, July 15, 2020 11:58 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Hi Jon,

Just wanted to check in on this again. I hear there's a TFI briefing today related to the comms. plan so I'm assuming the response(s) will be ironed out then and we'll be good to send something afterwards.

Thanks!

Ray

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, July 14, 2020 8:28 AM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

I roughed out the letter last night. I'll get a cleaned-up copy to Tom and Dan this afternoon, and we can review the responses together.

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 5:50 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee

<Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>; Cherepy, Andrea <Cherepy.Andrea@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Hi all,

Ex. 5 Deliberative Process (DP)

Ray

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, July 13, 2020 4:17 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Ray,

Ex. 5 Deliberative Process (DP)

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 4:10 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum
Importance: High

Hi all,

Ex. 5 Deliberative Process (DP)

Thanks,

Ray

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Monday, July 13, 2020 4:05 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Minor edits below for additional clarification. I suggest that if we can go with a simple response, like below, that we also run this up the approval chain just to cover our bases.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Monday, July 13, 2020 3:55 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: RE: Senator Rubio inquiry on Phosphogypsum

Can we just say that **Redacted** **Redacted**

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, July 13, 2020 3:53 PM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Cc: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Hi guys,

Senator Rubio's office put forth this informal inquiry (doesn't seem to be any controlled correspondence) about a status update on TFI – see below. Can you guys put something together to send back?

Thanks,

Ray

From: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Sent: Monday, July 13, 2020 12:51 PM
To: Lee, Raymond <Lee.Raymond@epa.gov>
Cc: Marbury, Candice <Marbury.Candice@epa.gov>
Subject: FW: Senator Rubio inquiry on Phosphogypsum

Happy Monday Ray!
Can you do some digging and see if there is anything we can share with Rubio's office?
Thanks!
Kristina

From: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Sent: Monday, July 13, 2020 12:48 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Subject: Senator Rubio inquiry on Phosphogypsum

Hi Kristina,

Below is an inquiry from Sen Rubio's office. I think it has something to do with radioactive material from fertilizer production (https://www.epa.gov/radtown/radioactive-material-fertilizer-production). Would you please find out what can be shared with his office? Can you share feedback by the end of the week? I don't have the sense there's a rush, but I think we want to be responsive.

Thanks – Karen.

The Fertilizer Institute submitted a petition to allow reuse of phosphogypsum in roadbed, I understand it's currently under consideration. A constituent asked about its status in the process, is that's something that can be shared?

Message

From: Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]
Sent: 11/3/2020 1:28:52 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]
Subject: FW: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Jon:

Do you have time this morning to take a first cut at these? Thanks.

Dan

From: Bacon, Stefanie <Bacon.stefanie@epa.gov>
Sent: Tuesday, November 03, 2020 8:27 AM
To: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Dan,

Who is taking point on drafting the answers? Do you think it is reasonable to make some progress on the draft answers by 11?

Thanks,
Stefanie

From: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Sent: Tuesday, November 3, 2020 8:05 AM
To: Wieder, Jessica <Wieder.Jessica@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>; Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nesky, Anthony <Nesky.Tony@epa.gov>; Veal, Lee <Veal.Lee@epa.gov>; White, Rick <White.Rick@epa.gov>
Subject: RE: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

These look pretty straightforward. Copying others who will be involved/should be aware.

From: Wieder, Jessica <Wieder.Jessica@epa.gov>
Sent: Monday, November 02, 2020 5:27 PM
To: Bacon, Stefanie <Bacon.stefanie@epa.gov>; Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Cc: Hellberg, Dennis <Hellberg.Dennis@epa.gov>
Subject: ACTION: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hi Stefanie -

Please work on this media inquiry tomorrow (11/3) with the TFI team. Some of these questions have answer in the Q&A.

I will be checking e-mail and have my phone on me. Don't hesitate to call.

Jess

Jessica Wieder
Director, Center for Radiation Information and Outreach
U.S. Environmental Protection Agency
Radiation Protection Program
w: 202-343-9201
c: 202-420-9353

From: Stevens, Katherine <stevens.katherine@epa.gov>
Sent: Monday, November 2, 2020 5:19 PM
To: Nesky, Anthony <Nesky.Tony@epa.gov>; Wieder, Jessica <Wieder.Jessica@epa.gov>
Subject: FW: Media Inquiry: The Sun inquiry - questions on EPA phosphogypsum rule

Hey, Jess,

We don't have a deadline yet, but here are some questions on phosphogypsum.

1. Are the underlying assumptions of risk of death due to radiation exposure based on studies of atomic bomb survivors? If not, where do they get the risk of fatal cancer numbers from?
2. Why did the EPA not allow for public comment on this rule change? When is public comment required?
3. By government road projects, does this mean just those with federal funding? Not state or local funding?
4. Will these applications to the EPA come from the phosphate manufacturers or the governmental entity that wants to use the material in road building?
5. Has the EPA received any applications yet?
6. How much of an impact can the EPA estimate have on the problem of gypstack formation? Will manufacturers be taking directly off their existing stack or from new material being generated by the manufacturing plants?
7. how does the EPA estimate the lifetime risk of exposure to the stacks? This is important because the EPA said the relative risk was the same.

Thanks,
K

Message

From: Lee, Raymond [Lee.Raymond@epa.gov]
Sent: 10/6/2020 5:43:00 PM
To: Walsh, Jonathan [Walsh.Jonathan@epa.gov]; Manibusan, Mary [Manibusan.Mary@epa.gov]; Franks, Martin [Franks.Martin@epa.gov]
CC: Walker, Sherri [Walker.Sherri@epa.gov]
Subject: RE: 10014-36-OAR: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Thanks for the cc Jon – I'll take it from here.

From: Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Sent: Tuesday, October 06, 2020 1:36 PM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>; Franks, Martin <Franks.Martin@epa.gov>
Cc: Walker, Sherri <Walker.Sherri@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>
Subject: RE: 10014-36-OAR: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Ray Lee, copied, is the RPD point of contact for Federal Register publications.

Thanks,
Jon

From: Manibusan, Mary <Manibusan.Mary@epa.gov>
Sent: Tuesday, October 06, 2020 1:20 PM
To: Franks, Martin <Franks.Martin@epa.gov>
Cc: Walker, Sherri <Walker.Sherri@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: RE: 10014-36-OAR: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Jonathan,

When you return the clean version, please add the extension of _Admin to signal its readiness for submission to the Administrator. I will need the final clean letter and the FRN for signatures. Please send the message to Martin and cc me with the final versions.

Thank you!
Mary

From: Franks, Martin <Franks.Martin@epa.gov>
Sent: Tuesday, October 6, 2020 9:58 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Cc: Walker, Sherri <Walker.Sherri@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: 10014-36-OAR: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Edits Attached.

This looks like a revised version of what Pat reviewed, and the signer has been changed to the Administrator. FRL number 10014-36-OAR.

Please contact me if its not and we will have to change heading and not add it to FR Dailies.

Presently I submitted to Jonathan Walsh by FR Dailies.

Martin V. Franks

Federal Register Liaison
Regulatory Management Division
Environmental Protection Agency
Washington, DC 20460
Tel. 202-564-1172

From: Manibusan, Mary <Manibusan.Mary@epa.gov>
Sent: Tuesday, October 6, 2020 8:46 AM
To: Franks, Martin <Franks.Martin@epa.gov>
Cc: Walker, Sherri <Walker.Sherri@epa.gov>
Subject: FW: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Martin,

Can you please review this FRN (due COB today)? And send your comments to the program POC and cc me. I need to move this for signature.

Thank you!
Mary

From: Mcquilkin, Wendy <Mcquilkin.Wendy@epa.gov>
Sent: Monday, October 5, 2020 10:05 AM
To: Walker, Sherri <Walker.Sherri@epa.gov>; Rivera, Reiniero <Rivera.Reiniero@epa.gov>
Cc: ORIAREGPROCESSING <ORIAREGPROCESSING@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

TO: OP/SHERRI WALKER/REY RIVERA FOR REVIEW AND SUBMITTAL FOR THE ADMINISTRATOR'S SIGNATURE.

Attached is the TFI Petition

RAY LEE
202 343-9463

Message

From: Walsh, Jonathan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3ADEC06D25BF4BD0B8F0A73CCCC9CF03-WALSH, JONATHAN]
Sent: 8/20/2020 2:14:01 AM
To: Lee, Raymond [Lee.Raymond@epa.gov]
Subject: RE: OGC review and FR notice for TFI
Attachments: FR_Notice_of_availability.docx

Hi Ray,

Can you take the next cut at filling out the details?

I also have a question. I included the salient part of the approval from the letter to TFI at the end of the notice. Is that

Ex. 5 Deliberative Process (DP)

Thanks,
Jon

From: Lee, Raymond <Lee.Raymond@epa.gov>
Sent: Monday, August 10, 2020 12:19 PM
To: Peake, Tom <Peake.Tom@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Santillan, Eugenio-Felipe <santillan.eugenio-felipe@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: RE: OGC review and FR notice for TFI

Hi all,

So here is what we'll need for the TFI FR package. I've attached the non-rule template for us to use, along with examples of the action information form and one-pager w/bullets (from the most recent ICR renewal) that will need to be edited with the appropriate TFI info surrounding this action. Given there is a controlled correspondence about this issue, I'm thinking we won't need an action memo, but that's something that can be cleared with Lee & Jon when we're ready to sign (and I'm assuming Jon will be signing).

No FR cover forms are needed anymore, and I'll get the typesetting started as well. I've put in a request for a new non-rulemaking docket from the docket staff as well.

Let me know if you have any questions.

Thanks,

Ray

From: Peake, Tom <Peake.Tom@epa.gov>
Sent: Monday, August 03, 2020 11:56 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Rustick, Joseph <rustick.joseph@epa.gov>; Lee, Raymond <Lee.Raymond@epa.gov>; Stuenkel, David <Stuenkel.David@epa.gov>; Nagata, Jonathan <Nagata.Jonathan@epa.gov>; Egidi, Philip <Egidi.Philip@epa.gov>; Bacon, Stefanie <Bacon.stefanie@epa.gov>; Santillan, Eugenio-Felipe

<santillan.eugenio-felipe@epa.gov>
Cc: Schultheisz, Daniel <Schultheisz.Daniel@epa.gov>
Subject: OGC review and FR notice for TFI

All,
Dan and I talked with Lee this morning about OGC and TFI as Charles called her. Charles is looking at the letter and is **Ex. 5 Attorney Client (AC)** He is planning to have a draft to us the end of this week. His boss, Adam Gustafson is out this week but will need to see the letter before it goes to Anne. Lee will ask Jon when he will want to see the letter. We are probably looking at the end of next week or shortly thereafter to get something to Anne.

In the meantime, lets get the FR notice stock language ready for when Charles gets us the revised letter at the end of the week. Then we can take from the letter and modify it for the FR notice. Since this FR notice will be just that, with no comment requested, and we need to pay for publishing the FR notice, we will want to keep the FR notice informative but succinct.

Ray, can you get us the FR notice stock language ready in the next few days, along with the printing info, and create a docket that we will need to reference?

Thanks.

Tom Peake
US EPA Radiation Protection Division
Director, Center for Waste Management and Regulations
phone: 202-343-9765
cell phone: 202-465-5904

Message

From: Walsh, Jonathan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3ADEC06D25BF4BD0B8F0A73CCCC9CF03-WALSH, JONATHAN]
Sent: 10/6/2020 2:04:55 PM
To: Tom Peake [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Lee, Raymond [Lee.Raymond@epa.gov]
Subject: FW: 10014-36-OAR: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)
Attachments: 10014-36-OAR ESHAP Subpart R Approval TFI Request Other Use Phosphogypsum FRN_09212020 mvf edits 10.6.20.docx

FYI

From: Franks, Martin <Franks.Martin@epa.gov>
Sent: Tuesday, October 06, 2020 9:58 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Cc: Walker, Sherri <Walker.Sherri@epa.gov>; Walsh, Jonathan <Walsh.Jonathan@epa.gov>
Subject: 10014-36-OAR: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Edits Attached.

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Presently I submitted to Jonathan Walsh by FR Dailies.

Martin V. Franks

Federal Register Liaison
Regulatory Management Division
Environmental Protection Agency
Washington, DC 20460
Tel. 202-564-1172

From: Manibusan, Mary <Manibusan.Mary@epa.gov>
Sent: Tuesday, October 6, 2020 8:46 AM
To: Franks, Martin <Franks.Martin@epa.gov>
Cc: Walker, Sherri <Walker.Sherri@epa.gov>
Subject: FW: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

Martin,

Can you please review this FRN (due COB today)? And send your comments to the program POC and cc me. I need to move this for signature.

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Sent: Monday, October 5, 2020 10:05 AM
To: Walker, Sherri <Walker.Sherri@epa.gov>; Rivera, Reiniero <Rivera.Reiniero@epa.gov>
Cc: ORIAREGPROCESSING <ORIAREGPROCESSING@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute.(TFI)

TO: OP/SHERRI WALKER/REY RIVERA FOR REVIEW AND SUBMITTAL FOR THE ADMINISTRATOR'S SIGNATURE.

Attached is the TFI Petition

RAY LEE
202 343-9463

Message

From: Walsh, Jonathan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3ADEC06D25BF4BD0B8F0A73CCCC9CF03-WALSH, JONATHAN]
Sent: 10/6/2020 2:02:14 PM
To: Tom Peake [Peake.Tom@epa.gov]; Schultheisz, Daniel [Schultheisz.Daniel@epa.gov]; Bacon, Stefanie [Bacon.stefanie@epa.gov]; Rustick, Joseph [rustick.joseph@epa.gov]
Subject: FW: FR Dailies - OP has concluded review on a OAR PKI document:Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute

Importance: High

FYI

From: Martin Franks <Franks.Martin@epamail.epa.gov>
Sent: Tuesday, October 06, 2020 9:50 AM
To: Walsh, Jonathan <Walsh.Jonathan@epa.gov>; Brooks, Patricia <Brooks.Patricia@epa.gov>; Martin Franks <Franks.Martin@epamail.epa.gov>
Subject: FR Dailies - OP has concluded review on a OAR PKI document:Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute
Importance: High

OP has concluded review on a FR Dailies OAR PKI document
Title: Approval of the Request for Other Use of Phosphogypsum by The Fertilizer Institute

FRL #: 10014-36-OAR
Stage: Notice