

Message

From: Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: 7/27/2017 8:16:03 PM
To: Jasmine Spearing-Bowen [Ex. 6]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: EPA Inquiry on Coal Ash

Hi Jasmine,

Thanks for your patience. Our responses, attributable to an EPA spokesperson, are below:

What is the difference between Pollutant load and Max Allowable Load?

Response: The Loading Tool calculates a pollutant loadings, which is the estimated amount that the facility discharged for a specified period, using a quantity or concentration value and a wastewater flow that are reported on the Discharge Monitoring Report (“DMR”) form by the Clean Water Act permitted discharger. The Google Doc included has a period of interest of 1/1/2017 to the date of Ms. Spearing-Bowen’s analysis. The “Max Allowable Load” is the estimated maximum amount that the facility can discharge within its permit effluent limits, calculated using the reported pollutant and flow data according to the processes described within the documentation available here: <https://cfpub.epa.gov/dmr/usersguide.cfm>.

What does it mean if a waterbody is Listed for impairment?

Response: The Clean Water Act requires states, territories and authorized tribes (states for brevity) to monitor water pollution and report to EPA every two years on the waters they have evaluated. This process is called assessment. Part of this process is deciding which waters do not meet water quality standards because they are too polluted. These degraded waters are called impaired (polluted enough to require action) and are placed on a State list for future actions to reduce pollution. See <https://www.epa.gov/waterdata/assessment-and-total-maximum-daily-load-tracking-and-implementation-system-attains>

Which column refers to the amount that is allowed to be discharged under the permit, and which refers to the actual amount that is discharged?

Response: Using Ms. Spearing-Bowen’s analysis, Column AP (“Pollutant Load”) is the estimated amount that the facility discharged in the period of interest. Column AQ (Max Allowable Load) is the estimated amount that the facility can discharge within its permit effluent limits within that same time period, calculated based on permit limit information available in the national database using the processes described within the documentation available here: <https://cfpub.epa.gov/dmr/usersguide.cfm>.

And more broadly, what's the difference between TRI and DMR?

Response: The programs under which EPA collects TRI and DMR data are the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES), respectively. There are a number of considerations when reviewing TRI and DMR data. These are detailed in the following resource: <https://cfpub.epa.gov/dmr/docs/Comparing-CWA-NPDES-DMR-Data-and-TRI-Data.pdf>

And are there any data sets that look specifically at discharges to waterbodies that are drinking water sources?

Response: Both DMR and TRI data provide estimates of pollutant discharges to surface waters (e.g., lakes, rivers, and streams). This includes surface waters that are used as sources for drinking water. The Loading Tool does not yet have the capability to focus on discharges to surface waters that are sources of drinking water.

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Ex. 6

"The root of all joy is gratefulness."

On Jul 25, 2017, at 6:22 PM, Jasmine Spearing-Bowen Ex. 6 wrote:

Hi Enesta,

I just wanted to check in to see if there was any update on my data questions.

Thanks,

Jasmine

On Fri, Jul 21, 2017 at 12:26 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:
Thank you. We need until 7/25 to be responsive.

Have a great weekend.

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"The root of all joy is gratefulness."

On Jul 21, 2017, at 1:51 PM, Jasmine Spearing-Bowen Ex. 6 wrote:

I pasted the first few lines into a google doc:
https://docs.google.com/spreadsheets/d/1Kybh_S5zQihWCMoGjg26JpJQFyvvpJiT0kJ0gwCuVrjs/edit#gid=0

On Fri, Jul 21, 2017 at 10:23 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:
Same issue, Jasmine. Does not work.

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On Jul 21, 2017, at 1:22 PM, Jasmine Spearing-Bowen <[REDACTED]> wrote:

Ex. 6

Can you try this one? Sorry for the technical issues.



DMR Major Polluters Non-POTW 2012-2017.xls



On Fri, Jul 21, 2017 at 9:11 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:
Doesn't open, Jasmine.

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On Jul 21, 2017, at 12:02 PM, Jasmine Spearing-Bowen <[REDACTED]> wrote:

Ex. 6

Hi Enesta,

Try this one, it's .xlsx format.



DMR Major Polluters Non-POTW 2012-2017.xlsx



On Fri, Jul 21, 2017 at 4:27 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:
Jasmine, we cannot open the attachment.

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On Jul 20, 2017, at 4:32 PM, Jasmine Spearing-Bowen <[REDACTED]> wrote:

Ex. 6

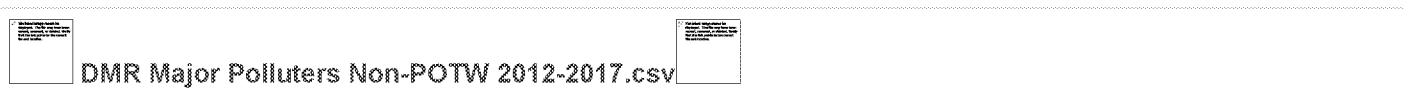
Thanks Enesta. I pulled an Advanced Search for major polluters for years 2012-2017 by Non-POTW facilities, attached. I wanted to confirm that the data in this sheet is reported from companies to EPA through the NPDES permitting program.

Other questions on this data:

- What is the difference between Pollutant load and Max Allowable Load?
- What does it mean if a waterbody is Listed for impairment?

-Which column refers to the amount that is allowed to be discharged under the permit, and which refers to the actual amount that is discharged?

And more broadly, what's the difference between TRI and DMR? And is there any data sets that look specifically at discharges to waterbodies that are drinking water sources?



On Thu, Jul 20, 2017 at 12:38 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

I will see if that is possible, Jasmine. In the interim, please send me your specific data questions and firm deadline.

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On Jul 20, 2017, at 3:37 PM, Jasmine Spearing-Bowen <Ex. 6> wrote:

Thanks Enesta, I was able to pull data from the NPDES. Is there someone I could speak with about specific data questions?

For example, in one of the reports I pulled it refers to Pollutant Load, does that mean the amount that is currently in the water body? The amount allowed by the permit? Or the amount actually released?

On Tue, Jul 18, 2017 at 11:44 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Jasmine,

Here is the follow up. Please attribute to an agency spokesperson:

I was wondering about the NPDES permitting process. Are all companies required to apply if they are discharging wastewater and chemicals?

Response: The Clean Water Act prohibits anybody from discharging "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The permit will contain limits on what you can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. In essence, the permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each person discharging pollutants.

How are the permitted levels of discharges determined?

Response: An NPDES permit will generally specify an acceptable level of a pollutant or pollutant parameter in a discharge (for example, a certain level of bacteria). The permittee may choose which technologies to use to achieve that level. Some permits, however, do contain certain generic "best

management practices' (such as installing a screen over the pipe to keep debris out of the waterway). NPDES permits make sure that a state's mandatory standards for clean water and the federal minimums are being met.

What happens if a company goes over their allowed permitted discharges?

Response: There are various methods used to monitor NPDES permit conditions. The permit will require the facility to sample its discharges and notify EPA and the state regulatory agency of these results. In addition, the permit will require the facility to notify EPA and the state regulatory agency when the facility determines it is not in compliance with the requirements of a permit. EPA and state regulatory agencies also will send inspectors to companies in order to determine if they are in compliance with the conditions imposed under their permits.

Federal laws provide EPA and authorized state regulatory agencies with various methods of taking enforcement actions against violators of permit requirements. For example, EPA and state regulatory agencies may issue administrative orders which require facilities to correct violations and that assess monetary penalties. The laws also allow EPA and state agencies to pursue civil and criminal actions that may include mandatory injunctions or penalties, as well as jail sentences for persons found willfully violating requirements and endangering the health and welfare of the public or environment. Equally important is how the general public can enforce permit conditions. The facility monitoring reports are public documents, and the general public can review them. If any member of the general public finds that a facility is violating its NPDES permit, that member can independently start a legal action, unless EPA or the state regulatory agency has taken an enforcement action.

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On Jul 18, 2017, at 11:34 AM, Jasmine Spearing-Bowen Ex. 6 wrote:

Thanks Enesta, I was wondering about the NPDES permitting process. Are all companies required to apply if they are discharging wastewater and chemicals? How are the permitted levels of discharges determined? What happens if a company goes over their allowed permitted discharges?

Let me know if there is someone else that has more direct information on NPDES.

On Tue, Jul 18, 2017 at 7:01 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:
Hi Jasmine,

EPA does not track data on private wells. We are also not aware of any governing organizations that may have more data on industrial releases.

Thanks for flagging the broken link on NPDES permits. It is now fixed. Please go here for that information: <https://www3.epa.gov/enviro/facts/pcs-icis/search.html>

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On Jul 14, 2017, at 2:54 PM, Jasmine Spearing-Bowen Ex. 6 wrote:

Thanks Enesta.

You mentioned the population supplied by community water systems, do you have any data on private wells?

We also tried to pull permit applications from the NPDES website and kept getting a "No Data Found" notification. Is it possible to get access to this data?

Finally, we are trying to get a sense of how legal and inadvertent industrial releases are affecting drinking water sources. We are analyzing data from the Superfund program and from the TRI, are there any other governing organizations you would suggest that might have more data to help us understand the impact?

On Thu, Jul 13, 2017 at 3:21 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Jasmine,

Please attribute our response to an EPA spokesperson:

Over 91 percent of the population supplied by community water systems receives drinking water that meets all health-based standards all of the time. To find summary data, please visit: https://obipublic11.epa.gov/analytics/saw.dll?PortalPages&PortalPath=/shared/SFDW/_portal/Public&Page=Summary

To find more detailed data by public water system, please visit: <https://www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-information-system-sdwis-federal-reporting>

The National Pollutant Discharge Elimination System (NPDES) permit program is a national program which authorizes point source discharges to waters of the United States. The NPDES permit program, created in 1972 by the Clean Water Act (CWA), helps address water pollution by regulating point sources that discharge pollutants to waters of the United States. The permit provides two levels of control: technology-based limits and water quality-based limits (if technology-based limits are not sufficient to provide protection of the water body).

Under the CWA, EPA authorizes the NPDES permit program to state, tribal, and territorial governments, enabling them to perform many of the permitting, administrative, and enforcement aspects of the NPDES program. In states authorized to implement CWA programs, EPA retains oversight responsibilities. Currently 46 states and one territory are authorized to implement the NPDES program.

An NPDES permit is typically a license for a facility to discharge a specified amount of a pollutant into a receiving water under certain conditions. Permits may also authorize facilities to process, incinerate, landfill, or beneficially use sewage sludge.

For more information, visit: <https://www.epa.gov/npdes>

The Contaminant Candidate List (CCL) is a list of drinking water contaminants that are known or anticipated to occur in public water systems and are not currently subject to EPA drinking water. EPA uses this list of unregulated contaminants to prioritize research and data collection efforts to help the Agency determine whether it should regulate a specific contaminant.

Determining whether to regulate a CCL contaminant is completed in a separate process (called Regulatory Determinations) that is also subject to public comment and review. Every 5 years EPA must decide whether to regulate at least five or more contaminants on the CCL. When making a determination to regulate a new contaminant, the Safe Drinking Water Act requires consideration of three criteria:

- the adverse effects of the contaminant on the health of humans,
- the frequency and level of contaminant occurrence in public drinking water systems,
- and
- whether regulation of the contaminant presents a meaningful opportunity for reducing public health risks

To learn more about the CCL and RegDet process, please visit: <https://www.epa.gov/ccl>

EPA does not maintain a database of all brownfields sites in the U.S.; our data is limited to self-reported data sites that have received past brownfield grant funding for assessment and cleanup. Brownfield grant recipients are not required to report specifically on threats to drinking water from brownfield property contaminants. As a result, there is limited information to respond to your request as few grantees provide information on groundwater impacts. The information that has been reported is publicly available and can be downloaded from EPA's Cleanups In My Community website. <https://www.epa.gov/cimc>

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On Jul 10, 2017, at 12:00 PM, Jasmine Spearing-Bowen: [Ex. 6](#) wrote:

Thanks Ernesta, our deadline is Friday, and our questions include:

How many people in the U.S. have contaminated drinking water. This is obviously a broad question, but basically, how does the EPA make determinations on how many people could potentially have contaminated water?

What is the permitting process for legal water discharges at a national level?

What is the process for determining the MCL of a potential water contaminant?

How many brownfield sites affect water?

Please let me know if we are able to speak with someone this week.

On Sun, Jul 9, 2017 at 6:36 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Jasmine,

I will see if an interview is possible.

Please send specific questions and hard deadline.

Enesta Jones

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On Jul 9, 2017, at 9:15 PM, Jasmine Spearing-Bowen [Ex. 6] wrote:

Hi Ernesta,

We've been researching for the last few months, and finally have our questions in order to speak with someone at the EPA about industrial water contamination.

Would it be possible to speak with someone this week?

Thank you,

Jasmine Spearing-Bowen

On Wed, May 24, 2017 at 1:45 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Jasmine,

What are your specific questions and firm deadline?

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Ex. 6

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From: Jasmine Spearing-Bowen

Ex. 6

Sent: Wednesday, May 24, 2017 4:12 PM

To: Jones, Enesta <Jones.Enesta@epa.gov>

Subject: Re: EPA Inquiry on Coal Ash

Hi Enesta,

I wanted to follow up on this request.

Thank you,

Jasmine

On Thu, Apr 27, 2017 at 10:32 AM, Jasmine Spearing-Bowen wrote:

Ex. 6

Hi Enesta,

I am interested in the 2015 CCR rules and the Effluent Guidelines and what the development process was like. Would it be possible to set up a phone call with you?

It's an investigative project so there isn't a hard deadline, but ideally we could speak in the next week or so.

Thank you,

Jasmine

On Thu, Apr 27, 2017 at 4:29 AM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Jasmine,

We have your inquiry below. Are you still seeking information?

If so, please send specific questions and hard deadline.

Hello,

I'm a graduate student at the Cronkite School at Arizona State University and I'm part of a team of journalists working on a multi-media story about potential issues with drinking water across the country.

I have been doing research on coal ash for several months, and I was hoping to speak with someone from the EPA to learn more about coal ash regulation and the CCR Rules that were implemented in 2015.

Please let me know if someone would be available to speak with me this week.

Thank you,

Jasmine Spearing-Bowen

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