



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF MISSION SUPPORT

March 4, 2020

Laurence Brewer,
Chief Records Officer for the U.S. Government
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Mr. Brewer:

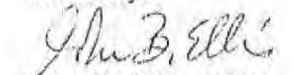
In accordance with 36 C.F.R. § 1229.10, I am writing to request Emergency Destruction of Records because their physical condition makes them a menace to the health and safety of EPA personnel.

Sometime after business hours on Friday, November 29, 2019, a sprinkler head broke and saturated a large area on the sixth floor of the EPA West building. Unfortunately, 18 boxes containing records from a Water Quality Standards Rulemaking that were being prepared for transfer to the National Archives and Records Administration were in the immediate area and were badly damaged. These were permanent records, covered by Records Schedule DAA-0412-2013-0010-0001 - Item a. The inclusive dates of the records ranged from 1985 to 2000. See the attached inventory. Some of the information in the damaged records may be duplicated on other media that was not damaged.

The facilities staff took steps to fix the cause of the broken sprinkler and began to run fans to dry out the area and the boxes. Due to miscommunication between EPA Facilities and Office of Water staff, the boxes of records were not transferred to the contractor for restoration. There were discussions between EPA Facilities and GSA regarding the possible restoration of the records, but regrettably the records are now full of mold and have a strong odor. EPA's Director, Facilities Management and Services Division determined the records do not appear to be salvageable, and thus we are requesting immediate destruction of the records.

Please contact me if you have any questions.

Sincerely,


John B. Ellis, CRM
EPA Records Officer

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

Box 1 of 18

1. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00001 -
00087. WWP/WRPB - Water Quality.
Date. August 31, 2000.
2. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00221 -
00292. WWP/WRPB - Water Quality.
Date. Sept. 19, 2000.
3. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00088 -
00150. WWP/WRPB - Water Quality.
Date. Sept. 15, 2000.
4. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00151 -
00220. WWP/WRPB - Water Quality.
Date. Sept. 18, 2000.
5. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00293 -
00411. WWP/WRPB - Water Quality.
Date. Sept. 21, 2000.
2. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00770 -
00865. WWP/WRPB - Water Quality.
Date. Sept. 29, 2000.
3. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00617 -
00687. WWP/WRPB - Water Quality.
Date. Sept. 27, 2000.
4. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00688 -
00769. WWP/WRPB - Water Quality.
Date. Sept. 28, 2000.
5. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00412 -
00454. WWP/WRPB - Water Quality.
Date. Sept. 25, 2000.

Box 3 of 18

Box 2 of 18

1. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #00455 -
00616. WWP/WRPB - Water Quality.
Date. Sept. 26, 2000.
1. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation - Public
Comments #00866 - 00950. WWP/WRPB.
Water Quality. Date. October 2, 2000.
2. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation - Public
Comments #00951 - 01019. WWP/WRPB
Water Quality. Date. October 3, 2000.
3. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation - Public
Comments #01039 - 01118. WWP/WRPB
Water Quality. Date. October 21, 2017.
[Should this be 2000 instead of 2017?]

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

Date. October 13, 2000.

4. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01020 - 01038. WWPD/WRPB Water Quality. Date. October 3, 2000.
5. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. FedEx. Emails. Misc. Date. October 10, 2000.
6. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments - Index. Administrative Record Kansas Promulgation. Date. November 16, 2000.
7. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01119 - 01163. WWPD/WRPB Water Quality. With Photo Copies. Date. October 10, 2000.
8. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01164 - 01248. Date. October 11, 2000.

Box 4 of 18

1. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01249 - 01310. WWPD/WRPB - Water Quality. Date. October 11, 2000.
2. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01311 - 01422. WWPD/WRPB - Water Quality. Date. October 12, 2000.
3. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01423 - 01541. WWPD/WRPB - Water Quality.

4. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01542 - 01634. WWPD/WRPB - Water Quality. Date. October 13, 2000.
5. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635 - 01745. WWPD/WRPB - Water Quality. Date. October 16, 2000.

Box 5 of 18

1. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01746 - 01799. WWPD/WRPB - Water Quality. Date. October 16, 2000.
2. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01800 - 01899. WWPD/WRPB - Water Quality. Date. October 16, 2000.
3. REGS 1023. State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01900 - 01949. WWPD/WRPB - Water Quality. Date. October 16, 2017.
[Should this be 2000 instead of 2017?]
4. REGS 1023. State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01950 - 01999. WWPD/WRPB - Water Quality. Date. October 18, 2000.
5. REGS 1023. State Program Authorization/Approval Files Kansas Promulgation - Public Comments #02000 - 02041. WWPD/WRPB - Water Quality. Date. October 24, 2000.

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

EPA Kansas Water Quality Standards.
Dates: July 27, 2000 to October 13, 2000.

6. REGS 1023. State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635 -

- Exhibit R - Duplicate.
- KLA? Declarations Regarding Stream Designations - Documents. Date. April 16, 2003.
- Kansas Lower Republican, Declaration - Documents. Date. October 12, 2000.
- Smokey Saline: Attached - Declaration - Documents. Kansas Water Quality Standards. Date. October 11, 2000.
- Walnut: Declaration - Documents. Date. October 4, 2000.
- Cimarron: Declaration - Documents. October 4, 2000.
- Verdigris Declaration - Documents. Date. October 10, 2000.
- Neosho: Declaration - Documents. Date. October 10, 2000.
- Marais Des Cygne: Declaration Documents. Date. October 11, 2000.
- Missouri: Declaration Documents. Date. October 12, 2000.

Box List 6 of 18.

1. REGS 1023a: State Program
Authorization/Approval Files:
Promulgation - Public Comments
#01635 Exhibit FF - Original. Senator
Brownback, Senator Pat Roberts and
Kansas Secretary of Agriculture, Jamie
Clover Adams. Comments on Proposed

- Kansas Promulgation - Public Comments #01635 Exhibit FF - (Duplicate).
- Exhibit F: Photographs from the Sept. 13, 2000 Public Hearing in Topeka, Kansas. #01635 Exhibit F - Original w/2nd Duplicate.

2. REGS 1023a: State Program
Authorization/Approval Files
Kansas Promulgation - Public Comments
#01635 Exhibit EE - Original. Exhibit EE:
U.S. EPA Administrative Record
for Kansas Water Quality Standards
Proposed Rulemaking as of October 10,
2000.
 - Kansas Promulgation - Public Comments #01635 Exhibit EE - 1 Duplicate.
3. REGS 1023a: State Program
Authorization/Approval Files
Kansas Promulgation - Public Comments
#01635 Exhibit E - Original. With
Audiotapes from the Question and Answer
Session at the Sept. 13, 2000 Public Hearing
In Topeka, Kansas.
 - On Audiotape EPA Q&A tape 2. Sept. 13, 2000.
 - 2nd Audiotape EPA Q&A Sept. 13, 2000. 1 Duplicate.
4. REGS 1023a: REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments
#01635 Exhibit DD - Duplicate. Exhibit DD
Frequently Asked Questions About Water
Quality Standards Proposed for Kansas by
U.S. EPA (USEPA Region VII - Sept. 2000).
 - REGS 1023a: State Program
Authorization/Approval Files
Kansas Promulgation - Public
Comments #01635 Exhibit DD - 1
Duplicate.

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

- Assessment, User Manual
(April 1987).
5. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments
#01635 Exhibit D - October 2, 2000 Letter
From Geoffrey H. Grubbs, Director of Office
of Science and Technology at the U.S. EPA
to Ms. Jamie Clover Adams, Secretary of
Kansas Department of Agriculture. Original.
 - Kansas Promulgation - Public
Comments #01635 Exhibit D -
3rd Duplicate.
 6. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635
Exhibit CC - Original. Exhibit CC Draft
Implementation Guidance for Ambient
Water Quality Criteria for Bacteria - 1986.
U.S. EPA Office of Water. EPA-823D-00-
001. (Jan. 2000).
 - Kansas Promulgation - Public
Comment #01635 Exhibit - CC
1 Duplicate.
 7. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635
C - Original. Exhibit C. Videotape of
August 29, 2000 Meeting in Topeka,
Kansas Between EPA, Kansas State
Officials and Agricultural Representatives.
 - Part of No. 7 (con't) Kansas
Farm Bureau - EPA Officials
And Kansas Legislators. August
29, 2000. 2nd Duplicate.
 8. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635
Exhibit BB - Original. Exhibit BB Kansas
Use Attainability Analysis Procedures.
 - A Procedure for Conducting
Recreation Use Attainability
 9. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635
Exhibit B - Original. Exhibit B. Information
Regarding the Meeting Held Between the
EPA and the Kansas Congressional
Delegation and Members of the Kansas
Governor's Cabinet on August 29, 2000
in Topeka, Kansas.
 - July 11, 2000 Letter from
Kansas Legislators to Ms.
Carol Browner, U.S. EPA
Administrator.
 - New Article,
State, EPA at Odds over
Water Standards. Date,
August 30, 2000.
 - Kansas Promulgation - Public
Comments #01635. Exhibit B -
1 Duplicate.
 10. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635
Exhibit AA - Duplicate. Exhibit AA.
Grassland Dynamics: Long Term
Ecological Research and Tall Grass
Prairie (1998).
 - Kansas Promulgation - Public
Comments #01635 Exhibit AA -
1 Original.
 11. REGS 1023a: State Program
Authorization/Approval Files Kansas
Promulgation - Public Comments #01635
Exhibit A - Duplicate. Exhibit A.
Testimony Regarding the Affect the

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
 Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
 Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
 Records Schedule Materials REGS 1023a:

Proposed Rules Will Have on Agricultural Operations.

1 Duplicate.

- Testimony of Janis Lee with photographs. #01635.
- Testimony of Alan Hess with photographs.
- Testimony of Jere White with photographs. Date. Sept. 13, 2017. 2nd Duplicate.
 [Should] this be 2000 instead of 2017?

4. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635 Exhibit GG - Original. KDHE UAs Demonstrating That Primary Contact Uses Are Not Attainable for Stream Segments in the Kansas Lower Republican Basin.

- REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635 Exhibit GG - Duplicate.

Box 7 of 18

1. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments; Of Uncertified Administrative Records Pursuant to the Uncertified Administrative Procedures Act PERMANENT. 1 piece of paper. Close Dates. 2003.
2. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635. Exhibit HH KDHE's Administrative Record for Promulgation of the 1994 Kansas Water Quality Standards. The Original copy in

5. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635. Exhibit G. Videotape of the September 13, 2000. Public Hearing in Topeka, Kansas.

- Kansas Farm Bureau EPA Hearing Sept 13th, 2000. Topeka, KS. 2ND Duplicate.

- Public Hearing Report - Kansas Water Quality Standards Kansas Administrative Regulations 28-16-28b Through 28-16-28f. Volume 1 of 3 Public Hearing Conducted. May 26, 1994 - El Dorado, Kansas. May 27, 1994 - Topeka, Kansas. Report Submitted by: Mark R. Bradbury Hearing Officer. Duplicate Copies.

Box 8 of 18

3. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635. Exhibit H - Original. Photographs of the September 14, 2000. Public Hearing in Dodge City, Kansas.
 - Kansas Promulgation - Public Comments #01635. Exhibit H -

1. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635 Exhibit N - Original. Testimony of Gale Hutton, Director of the Water, Wetlands and Pesticides Division of the U.S. EPA, Region VII for the Joint Hearing Before the Joint Health Reform Oversight Committee. Sept. 20, 2000.

- Kansas Promulgation - Public Comments #01635 Exhibit N - 1 Duplicate.

2. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments #01635. Exhibit M - Original. Exhibit M. June 26, 2000 EPA Press Release Regarding Proposed Rulemaking. Date. July

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

26, 2000.

- Kansas Promulgation - Public Comments #01635 Exhibit M - Duplicate.
3. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01635 Exhibit L - Original. Exhibit L. Court Filings in Kansas Natural Resources Council, Inc. v. Browner, Civ. Action No. 99-23-2373 (J.W.L.) (d. Kan.)
 - Court Docket for Kansas Natural Resource Council, Inc. v. Browner.
 - Complaint.
 - Answer.
 - Joint Motion for Entry of Consent.
 - Consent Decree.
 - Kansas Promulgation - Public Comments #01635 Exhibit L - 1 Duplicate.
 4. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01635. Exhibit J. Evidence of Public Opposition to be the Proposed Rules.
 - Photograph of Hearing Participants Signing A Petition Opposing The Proposed Rules.
 - Signed Petition of Individuals who Attended The Public Hearing That Oppose The Proposed Rules.
 - Kansas Promulgation - Comments #01635. Exhibit J - 1 Duplicate.
 5. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01635 Exhibit K - Original. Exhibit K. Geographic Representation of the Public Hearing Participants that Oppose the Proposed Rules.
 - Photographs of Individuals Identifying Geographic Locations On The Green Dot Map.
 - Geographic Locations Identified On The Green Dot Map.
 - Kansas Promulgation - Comments 01635 Exhibit K - 1 Duplicate.
 6. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01635 Exhibit I - Original. Exhibit I Audiotape of the Questions and Answer Session at the Sept. 14, 2000 Public Hearing in Dodge City, Kansas.
 - EPA Kansas Water Quality Standards Question & Answer Session. Sept 14, 2000. Dodge City, KS. Side 1 & 2.
 - Kansas Promulgation - Public Comments #01635 Exhibit I - Duplicate.
- Box 9 of 18
1. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments #01635 Public Comments Exhibit Q - Original.
 - Kansas Promulgation - Public Comments #01635 Exhibit Q - Duplicate.
 - Kansas Promulgation - Public Comments #01635 Exhibit P - Original.
 - Kansas Promulgation - Public Comments #01635 Exhibit P - Duplicate.
 - Kansas Promulgation - Public Comments #01635 Exhibit O - Original.
 - Kansas Promulgation - Public Comments #01635 Exhibit O - Duplicate.

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

2. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation -
Public Comments #01635 Exhibit R -
Original.

- Kansas Promulgation - Public Comments #01635 Exhibit S - Original.
- Kansas Promulgation - Public Comments #01635 Exhibit S - Duplicate.

3. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation -
Public Comments #01635 Exhibit T -
Original.

- Kansas Nonpoint Source Pollution Management Plan - 2000 Update. Kansas Department of Health & Environment, Date. May 2000.

Box 10 of 18

1. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation -
Public Comments #06135. Exhibit X
Federal and State Nonpoint Source
Programs.

- Report on BMP Implementation in The K-LR for the Governor's Water Quality Initiative. July 15, 1999.
- Governor's Water Quality Initiative: Trees for Clean Water (State of Kansas Water Office).
- State and Federal Water Programs- 1999; Program Descriptions, Authorities and Contacts (State of Kansas Water Office, February 1999).
- State Conservation Commission Nonpoint Source Programs.
- USDA Conservation Programs. Date. Oct. 9, 2000.

- Kansas Promulgation - Public Comments #01635 Exhibit X - 1 Duplicate.

2. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation -
Public Comments #01635. Exhibit W -
Duplicate. Report of Jonathan Jones, P.E.
and E. Robert Weinee, Ph.D. of Wright
Water Engineers, Inc., Regarding the
Proposal To Widely Apply Primary Contact
Recreation Numeric Standard for Fecal

Coliform in Kansas and Integrating
Nonpoint Sources into Antidegradation
Review. 1 Duplicate.

- Kansas Promulgation - Public Comments #01635 Exhibit W- Original. Original Copy.

3. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation - Public
Comments #01635 Exhibit V - Original.
Letter from Oren Long to Ann Jacob at
The United States Environmental Protection
Agency, Region VII Regarding EPA's
Nonpoint Source Policy. Date. Sept. 18, 2000.

- Kansas Promulgation - Public Comments #01635 Exhibit V- 2nd Duplicate.

4. REGS 1023a: State Program Authorization/
Approval Files Kansas Promulgation - Public
Comments #01635 Exhibit U - Original.
Map of Surface Water Bodies Affected by
EPA's Proposed New Primary Contact
Recreation Designation. Original.

- Kansas Promulgation - Public Comments #01635 U - Duplicate.

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
 Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
 Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
 Records Schedule Materials REGS 1023a:

5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments # 01635
 T - Original (slides)

1. Photo slides are copies of KDHE photo slides accompanying the use attainability analyses ("UAA's) performed for or by KDHE, copies of which are also in Exhibit T.
2. The numbers written in the upper right-hand corner of the photo slides correspond to the numbers in the Upper right-hand corner of the UAAs.
3. The numbers in the upper left-hand corner of the photo slides written in Blue correspond with the photo sequence on the compact disc copies of the photo slides.
4. Also included are photo copies slides. The handwritten numbers on The slides on the photocopies sheets correspond to the handwritten number in the upper right-hand corner of the photo slides in the Exhibit.

5. Copies of KDHE photo slides 237-244 are not available.
 - Exhibit T- CD#3
 Compact Disk Frames 3-1 through 3-48.
 KDHE Photo Slide Numbers 121-128 and 256-295. Inside Black Compact Box.
 - Exhibit T - CD#2

Compact Disk Frames
 2-1 through 2-120
 KDHE Photo Slide
 Numbers. 130-236 and
 245-255. Inside White
 Box.

- Exhibit T - CD#1
 Compact Disk Frames
 1-1 through 1-20
 KDHE Photo Slide
 Numbers 1-120. Inside
 White Box.
- Exhibit T. Copies of
 KDHE UAA Slides
 Which are not copied
 on to Compact Disk
 Slide #237-244. 8^{1/2} x
 11 White Envelope.
- Kansas Promulgation -
 Public Comments #01635
 Exhibit T - 2nd Duplicate.

Box 11 of 18

1. REGS 1023a: State Program Authorization/
 Approval Files Kansas Promulgation - Public
 Comments #01635 Exhibit Y - Original.
 Date. October 8, 2000.

TO BE ADDED
 Box 12 of 18
 Box 13 of 18

Box 14 of 18

1. REGS 1023a: State Program Authorization/
 Approval Files Kansas Promulgation - Public
 Comments Table 4. Kansas Water Quality
 Standards Comment Response - Table 4.
 Inside White Binder.
2. REGS 1023a: State Program Authorization/
 Approval Files Kansas Promulgation - Public

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

Comments Table 7. Kansas Water Quality Standards Comments Response ¹ Table 6. Inside White Binder.

3. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Transcript of Proceedings. The Hearing Officer Bob Patrick, and a Panel Consisting of Ann Jacobs. Held at the Silver Spur Convention Center, Dodge City, Kansas. Copy. Date. Sept. 14th. 2000.

4. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Transcript of Proceedings. Water Quality Standards For Kansas. This Matter came on for hearing before Hearing Officer, Bob Patrick, and a panel consisting of Ann Jacobs, Gale Hutton, Pat Miller, Cheryl Crisler and Jeff Bryan. In city of Topeka, State of Kansas. Date 13th day of Sept. 2000. Inside Clear Top and Red Back Cover.

5. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments Table 3. Kansas Water Quality Standards Comment Response ¹ Table 3. Inside White Binder.

6. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Index To Public Comments. State Program Authorization/Approval Files. Administrative Record Kansas Promulgation. Inside White Binder.

7. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Comment Table 5. Kansas Water Quality Standards Comment Response ¹—Table 5. Inside White Binder.

Box 15 of 18

1. REGS 1023a: State Program Authorization/

Approval Files Kansas Promulgation - Public Comments. Memo. Kansas Triennial Review. Proposed Rulemaking for Water Quality Standards for Kansas - Action. Date October 12, 2000.

- Comments and Request of the Kansas Agriculture Coalition. Date. October 16, 2000. Documents.

2. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Photo Copies. (1) Use Attainability Analysis (UAA) For Primary and Secondary Contact Recreation. (2) Stream Field Observations. Date. May 7, 2003. Documents.

3. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Use Attainability Analyses (UAAs) 2001 - 2003 Reviews.

- Kansas 202 303(d) List - Floppy Diskette. (Surface Water Register Questions). Feb. 12, 2003.
- Kansas - Department of Health and Environment. Memo. UAAs Completed vs KLA Declarations. Date. April 16, 2003.

Box 16 of 18

1. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Clean Water Act. Administrative Record For Final Promulgation Of Kansas Water Quality Standards. Extra Large White Binder, Volume I. EPA-823-B-94-005a. August 1994.

- Administrative Record For Final Promulgation Of

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

Kansas Water Quality
Standards. Extra Large
White Binder. Volume 2.
Date. October 31, 1994.

Regulations for WQS for
Kansas. Inside a Medium
Brown Box. Date. October
4, 2000. 6 Documents.

Box 17 of 18

1. REGS 1023a: State Program Authorization/ Approval Files Kansas Promulgation - Public Comments. Kansas Department of Health & Environment. Clean Water Act. Administrative Record For Final Promulgation Of Kansas Water Quality Standards. Extra Large White Binder. Volume 5.

- REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments. Date. Sept. 10, 2001.
- REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments. Volume
- REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments. Information & Response. Date. July 14, 2000.

2. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments. Water Quality Standards for Kansas. Large White Binder. Volume 6. Date. July 11, 2000.

- Fact Sheet: Summary of a Final Rule Withdrawing Certain Federal Water Quality Criteria Applicable to Rhode Island, Vermont the District of Columbia, Kansas and Idaho. EPA-823-F-00-005. March 2000.
- Fact Sheet: Proposed Rule for Kansas Water Quality Standards. EPA-823-F-00-009. Date. June 2000.

3. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments. The U.S. District Court For The District of Kansas. District Court Documents. Extra White Binder. Date. January 10, 2001.

Box 18 of 18

1. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments. Uncertified Administrative Records Pursuant to the Administrative Procedures Act. Permanent.

- Kansas Promulgation #01635 Cost Impact due to EPA July 3, 2000 Proposed

Box 18 of 18 (con't)

4. REGS 1023a: State Program Authorization/Approval Files Kansas Promulgation - Public Comments.

U.S. Geological Survey
National Water Information System

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

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# Retrieved: 2003-03-28 13:35:24
EST
#
# This file contains published
daily mean streamflow data.
#
# Further Descriptions of the
dv_cd column can be found at:
#
http://waterdata.usgs.gov/nwis/help?codes_help#dv_cd
#
# This information includes the
following fields:
#
# agency      Agency Code
# site no     USGS station number
# dv dot      date of daily mean
streamflow
# dv_va       daily mean
streamflow value, in cubic-feet
per-second
# dv_cd       daily mean
streamflow value qualification
code
#
# Sites in this file include:
# USGS 06860000 SMOKY HILL R AT
ELKADER, KS
#
#
```

```
#
# U.S. Geological Survey
# National Water Information
System
# Retrieved: 2003-04-11 12:06:41
EDT
#
# This file contains published
daily mean streamflow data.
#
# Further Descriptions of the
dv_cd column can be found at:
#
http://waterdata.usgs.gov/nwis/help?codes_help#dv_cd
#
```

```
#
# This information includes the
following fields:
#
# agency      Agency Code
# site no     USGS station number
# dv_dt       date of daily mean
streamflow
# dv_va       daily mean
streamflow value, in cubic-feet
per-second
# dv_cd       daily mean
streamflow value qualification
code
#
# Sites in this file include:
# USGS 06845000 SAPPAC NR
OBERLIN, KS
#
#
agency      site no     dv_dt dv_va
           dv_cd
5s         15s      10d    12n    3s
```

Box 18 of 18 (con't)

1. Cost Impact Due to EPA, July 3, 2000
Proposed Regulations Water Quality
Standards for Kansas: Prepared by Kansas
Department of Health & Environment Bureau
of Water. Date October 4, 2000. (Document).

- State Program
Authorization/Approval
Files Kansas Promulgation -
Public Comments - 01633 -
Duplicate (Introduction).
- Exhibit I: Audiotape of the
Questions and Answer Session at
the September 14, 2000. Public
Hearing in Dodge City Kansas.
Promulgation - Public Comments
01635 Exhibit I - Duplicate.
- Exhibit G: Videotape of the
September 13, 2000. Public
Hearing in Topeka, Kansas.

OFFICE OF SCIENCE AND TECHNOLOGY/STANDARDS AND HEALTH PROTECTION DIVISION
Water Quality Standards for Kansas; Proposed Rule 65 FR 41215, July 3, 2000
Water Quality Standards for Kansas; Final Rule, 68 FR 40427, July 7, 2003
Records Schedule Materials REGS 1023a:

State Program Authorization
Approval Files Kansas

VII: and U. S. Environmental Protection
Agency, Defendants.

Promulgation – Public
Promulgation – Public Comments
01635 Exhibit G – Duplicate.

SUMMONS IN A CIVIL CASE:
CASE NUMBER: 00 2555 GTV

- Exhibit E: Audiotapes from the Question and Answer Session at the September 13, 2000 Public Hearing in Topeka, Kansas. State Program Authorization Approval Files Kansas Promulgation – Public Comments 01635 Exhibit E-Duplicate.
- Exhibit C: Videotape of August 29, 2000 Meeting in Topeka, Kansas Between EPA, Kansas State Officials and Agricultural Representatives. State Program Authorization/Approval Files. Kansas Promulgation – Public Comments 01635 Exhibit C – Duplicate.

2. CLEAN WATER ACT:
**ADMINISTRATIVE RECORD FOR
FINAL PROMULGATION OF KANSAS
WATER QUALITY STANDARDS:
VOLUME 6.**

- **EPA Fact Sheet**
Summary of a Final Rule
Withdrawing Certain Federal
Water Quality Criteria Applicable
to Rhode Island, Vermont, the
District of Columbia, Kansas and
Idaho. EPA-823-F-00-005. March
2000.

3. CLEAN WATER ACT:
**ADMINISTRATIVE RECORD FOR
FINAL PROMULGATION OF KANSAS
WATER QUALITY STANDARDS:
VOLUME 8, (District Court Documents)**

- **United States District Court:**
DISTRICT OF KANSAS: Kansas
Natural Resource Council, Inc, and
Sierra Club Plaintiffs. V. Carol
Browner, Administrator, EPA, Dennis
Grams – EPA Administrator, Region



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

March 23, 2020

TO: DAVID S. FERRIERO, Archivist of the United States

THROUGH: Lisa Haralampus, ACP; Allison Olson, RX; Laurence Brewer, AC

FROM: Anne Mason, ACRS, Federal Records Emergency Destruction (FRED) sub-working group lead

SUBJECT: Request from Environmental Protection Agency to destroy damaged records pursuant to 36 CFR 1229.10

In the attached letter, dated March 4, 2020, the Environmental Protection Agency (EPA) requests authorization to destroy 18 boxes of records from Final Rulemaking and Related Development and Implementation Records series, which are scheduled under Disposition Authority DAA-0412-2013-0010-0001. These records were appraised as permanent due to their high potential research value. The records document EPA's actions to carry out its mission, to protect human health and the environment.

EPA reported the records were damaged when a sprinkler head broke in EPA West building in Washington, D.C. on November 29, 2019. The records got wet during the incident, and consequently, the records developed mold. On March 19 EPA shared photographs of the damaged records. While the photographs showed some damage to the records, including mold, the damage did not look severe and the records appear salvageable.

NARA has already provided the agency with some guidance for drying out the records to arrest any further mold growth. The attached reply letter to the EPA gives further guidance for recovery, rehousing, as well as mold remediation.

AC and RX recommend that the Archivist deny the request to destroy these damaged records and direct EPA to recover the records.

LISA HARALAMPUS
Director
Records Management Policy and Outreach

Attachments

Concurrence:

_____ Date: _____

ALLISON OLSON
Director, Preservation Programs

_____ Date: _____

LAURENCE BREWER,
Chief Records Officer for the U.S. Government

Approved:

_____ Date: _____

DAVID S. FERRIERO
Archivist of the United States

Cc: Official file – AC



Marianne Mason <marianne.mason@nara.gov>

Fwd: Request for Emergency Destruction of Records

Ellis, John <Ellis.john@epa.gov>

Thu, Mar 19, 2020 at 3:50 PM

To: Anne Mason <marianne.mason@nara.gov>

Cc: Pamela Najjar-Simpson <pamela.najjar-simpson@nara.gov>, Darin Cote <darin.cote@nara.gov>, Jack Kabrel <jack.kabrel@nara.gov>, "Johnston, Robert" <Johnston.Robert@epa.gov>, "Reed, Khesha" <Reed.Khesha@epa.gov>, "Jefferson, Gayle" <Jefferson.Gayle@epa.gov>

Hello Anne,

EPA's responses to NARA's questions are in red below. Given the current condition of the records staff are not allowed in the area to take more recent photographs.

1. Can you obtain digital photos of the damaged records and boxes? Additionally, photos of the building - records filing areas, etc. are helpful as well. These will become part of our case file for this destruction request.

The photos taken by FMSD are attached. The records were located in a secure conference room being prepped to send to NARA when they got damaged.

2. Can you provide more information regarding the menace? Is there visible mold? The photos requested above should help in that. The presence of water alone on analog records can generally be treated (air dried or vacuum freeze dried if the latter service is available). However, the presence of "menaces" on the records complicate any recovery.

The boxes were severely damaged by the water. Due to miscommunications between facilities staff and the program office, no action was taken for several weeks and the boxes became consumed with visible mold and a strong odor. If action had been taken within the first few days of the flood, it is likely some of the documents were salvageable; however, given the time the boxes remained wet, the papers became fully saturated with water and are now consumed with mold and a strong odor.

3. You stated that some of the information contained in the damaged records may be duplicated on other media?

We are not sure exactly what may be duplicated. Much of the non-paper media was removed from the 18 boxes prior to the leak and was not damaged. Based on the descriptions on the labels the non-paper media contains photographs and recordings of public hearings on the proposed rule, exhibits submitted by the public and questions and answers (Q&As). Given the condition of the paper records, we are unable to review them to verify duplicated information.

How much of the information could be reconstructed from other sources? Beyond what is on the non-paper media. We don't believe much of the record can be reconstructed.

Is there info that is not captured elsewhere and is only contained in the damaged paper documents? Yes, there is information that was only contained in the damaged paper documents and not captured elsewhere.

4. Is there any sensitive information on any of the records like PII of commenters? Any CUI? No CUI was included in the records. PII may have been included. Some documents in the boxes included correspondence from members of the public. The documents contained names, street, cities and counties of residence. Full names, email addresses and home addresses may have been included.

Please let me know if you have further questions or would like me to arrange a visit for you to see the records in the next couple of days.

John B. Ellis, CRM - Agency Records Officer

Office of Mission Support (OMS) | Enterprise Records Management Division (ERMD)

1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T

Phone: 202-566-1643, Mobile: 202-657-3091

Records or Federal Records - defined in 44 U.S.C. 3301, includes all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them.

From: Anne Mason <marianne.mason@nara.gov>
Sent: Thursday, March 19, 2020 6:53 AM
To: Ellis, John <Ellis.john@epa.gov>
Cc: Pamela Najar-Simpson <pamela.najar-simpson@nara.gov>; Darin Cote <darin.cote@nara.gov>; Jack Kabrel <jack.kabrel@nara.gov>
Subject: Re: Request for Emergency Destruction of Records

Hello Mr. Ellis,

I know these are chaotic times, but do you have an idea when you will be able to provide additional information? It is difficult for NARA to make a decision when we don't have the info we need. Thanks,

On Tue, Mar 10, 2020 at 11:08 AM Anne Mason <marianne.mason@nara.gov> wrote:

Hello Mr. Ellis,

I have been assigned to coordinate the NARA response to your request to destroy water-damaged records. Our team (copied on this message) has reviewed your letter and we have some additional questions. I hope that you can provide this additional information to assist us in our review of this situation so we can promptly complete our recommendations to NARA management.

Please provide:

1. Can you obtain digital photos of the damaged records and boxes? Additionally, photos of the building - records filing areas, etc. are helpful as well. These will become part of our case file for this destruction request.
2. Can you provide more information regarding the menace? Is there visible mold? The photos requested above should help in that. The presence of water alone on analog records can generally be treated (air dried or vacuum freeze dried if the latter service is available). However, the presence of "menaces" on the records complicate any recovery.

3. You stated that some of the information contained in the damaged records may be duplicated on other media? Could you provide more info? How much of the information could be reconstructed from other sources? Is there info that is not captured elsewhere and is only contained in the damaged paper documents?
4. Is there any sensitive information on any of the records like PII of commenters? Any CUI?

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306

REGS 1023a

Regulatory Development and Implementation, and Dockets
Final rulemakings and related development and implementation records

Close when end of calendar year occurs or when action is completed. ↓

+ 1 year

+ 14 years

Close Date

07/07/2003

Retire Date

10/01/2004

Final Disposition Date

01/01/2019

Final Disposition Action: Destroy or Permanently Transfer

United States Environmental Protection Agency
03/31/2016

306

REGS 1023a

Regulatory Development and Implementation, and Dockets
Final rulemakings and related development and
implementation records

+ 14 years

Close when end of
calendar year occurs
or when action is
completed.

Close Date

07/07/2003

+ 1 year

Retire Date

10/01/2004

Destroy or

Permanently Transfer

Final Disposition Action:
United States Environmental Protection Agency

Final Disposition Date

01/01/2019

03/31/2016

Ceiling

ACCESSION NUMBER

FRONT

INSTRUCTIONS (1 OF 2)

1. DO NOT OBSERVE BOX NUMBER OR ACCESSION NUMBER WITHIN BOX.
2. DO NOT REMOVE BOX NUMBER OR ACCESSION NUMBER FROM BOX.
3. MAKE BOXES WITH RECEPTION ONLY.
4. MAKE BOXES WITH RECEPTION ONLY.
5. MAKE BOXES WITH RECEPTION ONLY.
6. MAKE BOXES WITH RECEPTION ONLY.
7. MAKE BOXES WITH RECEPTION ONLY.
8. MAKE BOXES WITH RECEPTION ONLY.
9. MAKE BOXES WITH RECEPTION ONLY.
10. MAKE BOXES WITH RECEPTION ONLY.

INSTRUCTIONS (1 OF 2)

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9. MAKE BOXES WITH RECEPTION ONLY.
10. MAKE BOXES WITH RECEPTION ONLY.

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ON THIS END

INSTRUCTIONS (1 OF 2)

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INSTRUCTIONS (1 OF 2)

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10. MAKE BOXES WITH RECEPTION ONLY.

8115-00-17-9249
BOOK, SHIPPING (CONTAINS RECEPTION)
SPECIAL PURPOSE
BOOK, SHIPPING (CONTAINS RECEPTION)
SPECIAL PURPOSE
BOOK, SHIPPING (CONTAINS RECEPTION)
SPECIAL PURPOSE

DO NOT WRITE ON THIS END

FRONT

DO NOT WRITE ON THIS END

DO NOT WRITE ON THIS END



NATIONAL ARCHIVES and RECORDS ADMINISTRATION
8001 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

[DATE]

John Ellis
Environmental Protection Agency
Agency Records Officer
1301 Constitution Ave., NW
Mail Code 2821T
Washington, DC 20460

Dear Mr. Ellis:

On March 4, 2020 NARA received a request for emergency destruction of water damaged records. EPA reported the records were damaged when a sprinkler head broke in EPA West building in Washington, D.C. on November 29, 2019. The records got wet during the incident, and consequently, the records developed mold.

This letter is to notify you that, in accordance with 36 CFR, Part 1229.10, the Chief Records Officer for the U.S. Government has not approved your request for emergency destruction of 18 boxes of records from a Water Quality Standards Rulemaking, which are scheduled as permanent under Disposition Authority DAA-0412-2013-0010-0001. NARA is directing EPA to take action to remediate the damage.

If the mold is actively growing, NARA recommends EPA take steps to ensure the records are completely dry and stop any active mold growth. If mold isn't actively growing and is dormant and the records can be stored in a stable RH environment, NARA recommends that the records be reboxed and reboxed in clean, intact boxes. Attach a mold warning label indicating the date and mold level. Depending on the severity of the mold, the records may need to be remediated before the records can be put back into use or transferred to the National Archives.

NARA's Preservation division has information on records recovery on their website: <https://www.archives.gov/preservation/records-emergency/recovery>. NARA's Preservation division also has information on their website about contracting for these services, including sample Performance Work Statements that could be used in contracts: <https://www.archives.gov/preservation/records-emergency/contracting>.

NARA and other Federal agencies have used some of the vendors listed on the website to provide all of the recommended services described above: transport to/from secure treatment facilities, drying wet records, reboxing, mold remediation, digitization, secure/documented records disposal. These vendors have facilities and protocols in place to provide security for Federal records, and control access to PII and sensitive information. Some may even have cleared staff available at some of their treatment facilities.

If you have any questions concerning this matter, please contact Anne Mason, member of the Essential Records team at: marianne.mason@nara.gov, 301-837-3502 or your appraiser, Carla Simms, at carla.simms@nara.gov or 301-837-1897.

Sincerely,

LAURENCE BREWER,
Chief Records Officer for the U.S. Government

RE: Potential Loss of Agency Records

1 message

Ellis, John <Ellis.john@epa.gov>

Fri, Jun 19, 2020 at 6:35 PM

To: Laurence Brewer <laurence.brewer@nara.gov>

Cc: Unauthorized Disposition <UnauthorizedDisposition@nara.gov>, Andrea Noel <andrea.noel@nara.gov>, Carla Simms <carla.simms@nara.gov>, "Flaherty, Kate" <kate.flaherty@nara.gov>, "Kelly, Lynn" <Kelly.Lynn@epa.gov>, "Duffey, Dylan" <Duffey.Dylan@epa.gov>, "Johnston, Robert" <Johnston.Robert@epa.gov>, "Wells, Jeffrey" <Wells.jeffrey@epa.gov>, "Murray, Paulette" <Murray.Paulette@epa.gov>, "Blake, Wendy" <Blake.Wendy@epa.gov>, "Collard, Erin" <Collard.Erin@epa.gov>, "Noga, Vaughn" <Noga.Vaughn@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Stilp, Mark" <Stilp.Mark@epa.gov>

Hello Laurence,

Attached is EPA's report regarding certain former Agency Outlook accounts.

Should you have any questions, please let me know.

John B. Ellis, CRM - Agency Records Officer

Office of Mission Support (OMS) | Enterprise Records Management Division (ERMD)

1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T

Phone: 202-566-1643, Mobile: 202-657-3091

.....

Records or Federal Records - defined in 44 U.S.C. 3301, includes all recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of data in them.

From: Laurence Brewer <laurence.brewer@nara.gov>**Sent:** Tuesday, June 16, 2020 12:17 PM**To:** Ellis, John <Ellis.john@epa.gov>**Cc:** Unauthorized Disposition <UnauthorizedDisposition@nara.gov>; Andrea Noel <andrea.noel@nara.gov>; Carla Simms <carla.simms@nara.gov>; Flaherty, Kate <kate.flaherty@nara.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Duffey, Dylan <Duffey.Dylan@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Wells, Jeffrey <Wells.jeffrey@epa.gov>; Murray, Paulette <Murray.Paulette@epa.gov>**Subject:** Re: Potential Loss of Agency Records

Thanks, John, no worries. We will look for your letter at the end of the week.

L.

On Fri, Jun 12, 2020 at 5:29 PM Ellis, John <Ellis.john@epa.gov> wrote:

Hello Laurence,

EPA has prepared a draft report for NARA regarding certain former EPA Outlook accounts that we discussed previously. We seek an additional one week extension, to Friday, June 19, to provide this letter to NARA. We need additional time to complete senior management review.

Thank you in advance for considering this request.

Stay Safe!

John B. Ellis, CRM - Agency Records Officer

Office of Mission Support (OMS) | Enterprise Records Management Division (ERMD)

1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T

Phone: 202-566-1643, Mobile: 202-657-3091

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From: Laurence Brewer <laurence.brewer@nara.gov>
Sent: Tuesday, May 26, 2020 8:31 AM
To: Ellis, John <Ellis.john@epa.gov>
Cc: Unauthorized Disposition <UnauthorizedDisposition@nara.gov>; Andrea Noel <andrea.noel@nara.gov>; Carla Simms <carla.simms@nara.gov>; Flaherty, Kate <kate.flaherty@nara.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Duffey, Dylan <Duffey.Dylan@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Wells, Jeffrey <Wells.jeffrey@epa.gov>; Murray, Paulette <Murray.Paulette@epa.gov>
Subject: Re: Potential Loss of Agency Records

Thanks, John, I am sure you will hear from the team shortly, but don't expect your request to be a problem. Hope you had a great Memorial Day weekend!

L.

On Fri, May 22, 2020 at 3:04 PM Ellis, John <Ellis.john@epa.gov> wrote:

Hello Laurence,

EPA has made substantial progress in investigating the potential loss of Agency Records related to certain former EPA personnel's Outlook accounts and we are preparing a letter to report the details of the situation. Due to schedule conflicts of personnel needing to review and approve the letter, I'm requesting an extension until June 12, 2020, to submit our final report.

Thank-you for considering this request.

Stay Safe!

John B. Ellis, CRM - Agency Records Officer

Office of Mission Support (OMS) | Enterprise Records Management Division (ERMD)

1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T

Phone: 202-566-1643, Mobile: 202-657-3091

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From: Laurence Brewer <laurence.brewer@nara.gov>
Sent: Thursday, April 23, 2020 9:51 AM
To: Ellis, John <Ellis.john@epa.gov>; Unauthorized Disposition <UnauthorizedDisposition@nara.gov>
Cc: Andrea Noel <andrea.noel@nara.gov>; Carla Simms <carla.simms@nara.gov>; Flaherty, Kate <kate.flaherty@nara.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Duffey, Dylan <Duffey.Dylan@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Wells, Jeffrey <Wells.jeffrey@epa.gov>
Subject: Re: Potential Loss of Agency Records

Thanks, John, for letting us know.

Hope you're staying safe and out of trouble!

L.

On Thu, Apr 23, 2020 at 9:03 AM Ellis, John <Ellis.john@epa.gov> wrote:

Dear Mr. Brewer,

I would like to extend my thanks to Cala Simms and Kate Flaherty who I met with last week regarding an issue affecting certain former EPA Outlook account users, which EPA is investigating as a potential loss of Agency records. I am writing to notify you that EPA is working expeditiously to prepare a detailed report regarding this matter, which we intend to submit to NARA on or before May 22, 2020.

Please do not hesitate to reach out to me with any questions concerning this topic in the meantime.

John B. Ellis, CRM - Agency Records Officer

Office of Mission Support (OMS) | Enterprise Records Management Division (ERMD)

1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T

Phone: 202-566-1643, Mobile: 202-657-3091

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--

Laurence Brewer, CRM
Chief Records Officer for the U.S. Government

National Archives and Records Administration
Laurence.Brewer@nara.gov
Office: (301) 837-1539

Cell: (b) (6)

Blog: [Records Express](#)



Laurence Brewer, CRM

Chief Records Officer for the U.S. Government

National Archives and Records Administration


Laurence.Brewer@nara.gov

Office: (301) 837-1539

Cell: (301) 974-4582

Blog: [Records Express](#)



 **EPA O365 Email Accounts Letter to NARA_signed.pdf**
239K



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 19, 2020

OFFICE OF MISSION SUPPORT

Laurence Brewer
Chief Records Officer for the U.S. Government
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Via email to laurence.brewer@nara.gov

Dear Mr. Brewer:

In an effort to ensure compliance with 44 U.S.C. § 3106 and 36 C.F.R. §§ 1230.14 and 1230.16, the Environmental Protection Agency (EPA or Agency) is notifying the National Archives and Records Administration (NARA) of the inadvertent loss of the Microsoft Office365 (Office365) email boxes (mailboxes) of certain former users. EPA's Office of Information Technology Operations (OITO) has thoroughly investigated the matter. Based on its investigation, OITO has determined that the Office365 mailboxes were lost between 2013 and 2018 due to human error that occurred during the routine deprovisioning of separated users' network accounts. While most of the mailboxes belonged to former EPA contractors, grantees, or volunteers (*e.g.*, students), a smaller number of accounts belonged to former EPA employees. EPA's investigation indicates that the majority of losses occurred between 2013 and 2015, a minority occurred between 2016 and 2018, and all deletions preceded EPA's March 1, 2019 implementation of the GRS 6.1 schedule for email management under the Capstone approach.

As explained below, EPA does not believe that federal records were destroyed as the result of the mailbox losses. For over a decade, the Agency has provided guidance to employees that the copy of emails stored in Agency email servers such as the current Office365 cloud environment was a convenience copy and not the record copy. Specifically, since 2009, Agency guidance required employees to manage email records in separate, approved record-keeping systems, which included the Agency's NARA-approved electronic recordkeeping system called the Enterprise Content Management System (ECMS), and hard copy files. As further detailed below, EPA had a series of procedures in place to ensure that records were managed in approved record-keeping systems prior to employees separating from the Agency. The mailbox losses described in this letter occurred during the deprovisioning process after the users had separated from the Agency. Given the Agency's procedures and safeguards, a records loss should not have occurred.

Background on EPA Email Records Management

Like at all federal agencies, email has been widely used as a communication tool to perform the Agency's work. In early 2013, EPA moved from a Lotus Notes-based email system to the Office365 email system as part of the rollout of an Office365 cloud-based communications and collaboration environment. Under its Office365 license, individual users at EPA are assigned an account, which, among other things, consists of a mailbox that is capable of creating, sending, receiving, and storing email messages. It is the email messages themselves—not the accounts or the mailboxes—that may be considered federal records.

While email is a source of agency records, many email records are of transitory value and not all email records are suitable for longer-term retention. The majority of the deleted mailboxes belonged to contractors, grantees, and volunteers. Generally, records created by EPA contractors take the form of contract deliverables, which are preserved in accordance with the appropriate records schedule. Contractors' emails addressed to EPA personnel that are directly associated with contract deliverables are maintained as a component of contract deliverables and are preserved in accordance with the appropriate records schedule. Moreover, these documents would also generally be captured in the email of the EPA personnel to whom the deliverable is sent. Similarly, grantees and volunteers work under the close supervision of EPA employees, and their work product is largely circulated internally. As such, any emails generated by volunteers or grantees would typically be contained in the email accounts of the EPA employees charged with supervising their work and preserved consistent with the appropriate records schedule.

In addition, EPA has consistently maintained rigorous procedures governing the preservation of employees' email records. As noted above, since at least 2009, EPA has required employees to save emails that are federal records into an Agency-approved recordkeeping system such as ECMS. The 2009 policy also allowed employees to preserve copies of email records in hard copy files. Until March 1, 2019, when EPA implemented the GRS 6.1 schedule for email management under the Capstone approach, the copy of email stored in the Office365 cloud environment was, under Agency policy, a convenience copy and not the record copy, which was generally maintained in ECMS.

As an additional control, EPA has required employees, prior to leaving the Agency, to certify that they have managed their records in compliance with the Agency's Records Management Policy. EPA has strengthened these controls over time. Since 2008, as part of offboarding employees, EPA's Office of Administration and Resources Management (OARM) (now, the Office of Mission Support (OMS)) required a separating employee's supervisor and relevant Records Liaison Officer (RLO) to confirm with the separating employee that all records had been maintained in a records repository, and all were required to sign an Employee Separation Checklist attesting to that fact. Additionally, also beginning in 2008, Senior Agency Officials and Political Appointees were separately required to certify in another form, EPA Form 1340-8, that their records were properly maintained in a records repository, which also required the signature of their supervisor, RLO, and Information Management Official (IMO).

In late 2014, the Agency required employees to complete an additional records form prior to separating from the Agency. This form, EPA Form 3110-49, called EPA Records Management Checklist for Separating Employees, strengthened the records management certification process for separating employees across the Agency. The form required that all EPA employees, their supervisor, and relevant RLO certify that all records were properly identified and saved into a recordkeeping system or that they were properly turned over to an RLO, supervisor, or successor. Thereafter, in December 2016, EPA established a procedure, Preserving Agency Information of Separating Personnel, which called for the preservation of EPA mailboxes of separated EPA users. Prior to this procedure, once a user separated from the Agency, Agency policy did not require the indefinite retention of that user's mailbox and the

mailbox could be deleted, if not subject to other legal preservation obligations. The 2016 procedure was to be used in conjunction with a 2014 procedure, CIO-2155-P-04, Preservation of Separating, Transferring, or Separated Personnel's Records in Accordance with the Federal Records Act. Given the foregoing procedures and safeguards, a records loss should not have occurred as record copies of emails were to be stored in ECMS or in other approved recordkeeping systems. Nevertheless, out of an abundance of caution, EPA has prepared this report pursuant to 36 C.F.R. § 1230.14 in order to notify NARA of the situation.

The office maintaining the potential federal records

Consistent with the Agency policies and procedures described above, EPA employees were responsible for managing any records contained in their Office 365 mailboxes. Contractors, volunteers, and grantees were also responsible for managing their email records in accordance with Agency policy or, as applicable, contract terms.

The Office of Mission Support (OMS) manages the Office365 service under the Agency's contract with Microsoft, and, in the years at issue here, developed instructions for proper disposition of users' mailboxes following their separation from EPA. As set forth more fully in the sections that follow, these instructions were intended to be implemented by local network administrators; however, these instructions were not consistently followed across the Agency, leading to the inadvertent loss of the mailboxes at issue here.

A description of the potential federal records with volume and dates, if known

Description

Following an analysis of the data uncovered through OITO's investigation into this matter, EPA has determined that a total of 747 mailboxes were inadvertently deleted. Most deleted mailboxes—512 or 69%—belonged to non-EPA employees, including contractors, grantees, and volunteers, while 222 (or 30%), belonged to EPA employees. Thirteen accounts (1%), were designated as “other” or “unknown”.¹

One impacted mailbox was associated with an EPA employee who left the Agency in 2014, and three years later a position the individual occupied was retroactively designated as a Capstone position when NARA approved EPA's Capstone GRS 6.1 application in June 2017. As background, EPA's Capstone application sought to apply the Capstone schedule to officials who were in Capstone positions as of the date of EPA's implementation of Capstone, which was March 2019, and to former employees who served in Capstone positions from 2007 forward. Based on OITO's investigation, this individual's account appears to have been inadvertently deleted well before EPA applied for or implemented Capstone and before EPA received NARA's approval to use the Capstone GRS. Further, that individual

¹ When requesting the creation of an account in eBusiness, which is a software tool the Agency uses, the requester has the option of manually entering the employment designation of the person associated with the account, whether EPA employee, contractor, volunteer, or grantee. When the thirteen accounts now designated as “other” or “unknown” were initially requested, the user's employment designation was not entered into eBusiness and, as such, EPA does not have this information for these accounts.

Additionally, one of the 13 accounts in the “other” category was a correspondence management system (CMS) group account. This account served as a conduit, in that emails that needed to be uploaded into CMS would be sent to the group account and then imported directly into CMS. The group account contained no unique emails, as the emails were contained both in the mailbox of the initiating user and in CMS. As a result, the deletion of this CMS group account did not result in any records loss.

would have managed records consistent with the requirements described above prior to separating from the Agency.

The approximate distribution of impacted mailboxes by EPA office is as follows:

Organization	Employees	*Non-employees
Office of the Administrator	4	3
Office of Air and Radiation	7	9
Office of the Chief Financial Officer	1	6
Office of Chemical Safety Pollution and Prevention	11	11
Office of Enforcement and Compliance Assurance	15	12
Office of General Counsel	3	2
Office of Inspector General	15	2
Office of Land and Emergency Management	8	12
Office of Mission Support	2	197
Office of Research and Development	17	86
Office of Water	2	5
Region 1	14	11
Region 2	6	11
Region 3	40	60
Region 4	13	28
Region 5	6	9
Region 6	6	5
Region 7	1	4
Region 8	32	28
Region 9	5	8
Region 10	9	21
*Includes contractors, grantees, SEE, volunteers, other or unknown (as defined above)		

Of the 747 mailboxes, 178 were inadvertently deleted after EPA’s adoption of the December 2016 procedure described above, which called for retention of the mailboxes of separated employees. Of those 178 mailboxes, 38 belonged to EPA employees and the rest belonged to non-EPA employees. Further, of the 747 impacted mailboxes, 569 were inadvertently deleted before December 2016, 184 of which belonged to EPA employees. As noted above, prior to December 2016, once a user separated from the Agency, that user’s mailbox could be deleted, if not subject to other legal preservation obligations.²

²Based on information on non-career employees that left EPA between June 1, 2014 and December 31, 2018, EPA has determined that the impacted employee accounts lost between June 1, 2014 and 2018 were all assigned to career EPA employees. The Agency has not yet evaluated whether any non-career employees who left EPA between early 2013 and May 31, 2014 were impacted, as information relevant to such non-career employees is contained in a different system and was not immediately accessible at the time this report was prepared.

Volume

The fewest number of days an impacted mailbox was open was 16 days and the longest span was about five years, which is the length of time between when EPA began using Office365 in 2013, and the latest estimated date of deletion in 2018. Based on available data, the estimated average length of time an account was open was just over a year and a half. The actual volume of emails within any of the specific mailboxes is not known. EPA expects that all former employees with impacted mailboxes followed applicable email records management procedures and properly preserved their email records in ECMS or another approved recordkeeping system. Further, emails that EPA employees send and/or receive are often from other EPA employees or EPA contractors or grantees. As such, copies of the emails in the impacted boxes would likely be contained in the mailboxes of other unaffected EPA users. For example, we would expect that a copy of the overwhelming majority of the emails from impacted contractor accounts are still retained in the mailboxes of the EPA Task Order Contracting Officer with whom they would have corresponded. Similarly, EPA staff emails are likely contained in the mailboxes of their colleagues or supervisor. EPA has not been able to quantify this portion of the emails still retained in other EPA accounts because of the number of impacted accounts.

Dates

Based on the Agency's investigation, the maximum date range of the emails in the impacted mailboxes would be from 2013, when EPA began using Office365, to 2018, which is the date of the latest separation for a user whose mailbox was deleted.

Circumstances surrounding the potential loss of federal records

Background

From 2013 to 2015, in the period when EPA first began using Office365 email, local network administrators were instructed by OITO to disable, not delete, network accounts for separating users. Using reports to identify the changes of the status of accounts, the Office365 administrators were able to identify separated users and take steps to preserve the mailboxes by downloading the files and saving them onto EPA servers at the National Computer Center (NCC).

In 2015, to improve the process of identifying separated users, OITO changed the procedures to instruct local network administrators to disable and move the accounts of separated users into a staging area or container for deprovisioning. Three times per week, Office365 administrators would manually query this container for deprovisioned users and would preserve the emails located in the disabled accounts. This process of manually querying the container and preserving mail files was substantially automated in 2015, following a change to the Agency's Office365 license. Under this new process, once the local network administrator moved the disabled account into the deprovisioning container, a script applied an automatic hold to the mailbox, preserving any emails therein and preventing inadvertent deletion of the account until acted upon by the local network administrators. The deprovisioned account was then retained as an inactive mailbox within the Office365 cloud instead of on EPA servers.

Discovery of the Issue

In November of 2019, EPA staff in the eDiscovery Division (EDD) were unable to locate the Office365 mailbox for two separated EPA employees. EDD made this discovery while processing a search request for certain electronically stored information. Upon learning of the missing mailboxes, EDD searched for the separated employees' mailboxes in the cloud using the Microsoft Security and Compliance Center, and searched files stored in the NCC. However, they were unable to locate the mailboxes. EDD referred the matter to an Office365 Team member, who was also unable to locate the users' mailboxes, and subsequently opened a case with Microsoft. Microsoft responded within a week of opening the case

indicating that they also could not find the mailboxes. After further research, it was determined that the two mailboxes were included in a total of 24 mailboxes that were inadvertently lost in 2017 as a result of human error during the provisioning process, which occurred during a period when the Agency was running out of Office365 licenses. At the time, the Agency was at risk of being unable to issue mailboxes to new users due to license limitations. As a result, EPA IT staff sought to locate accounts of departed users that could be deprovisioned more quickly in order to make the licenses associated with those accounts available to meet the demand. As a result of steps taken to make the licenses promptly available for reuse, EPA IT staff inadvertently caused the mailboxes to be deleted before the automatic script in the deprovisioning container was applied. EPA staff identified 24 total mailboxes that were lost in this manner. After reviewing these initial findings, the Agency decided to perform a broader investigation to determine the extent of any additional potential mailbox losses and to confirm that the 24 mailboxes were not located elsewhere on Agency systems.

The Investigation

OITO began by using data about Office365 account orders from February 2013 to March 2019 (baseline report). OITO staff compared the baseline report data against six types of reports to determine how many total mailboxes may be missing.

After reviewing the results of this preliminary research, OITO determined that the baseline report was missing data, rendering the results of the preliminary investigation incomplete. OITO continued researching and refining the data sources of its search to obtain the most accurate and complete baseline report, including conducting manual reviews of the data to identify any other possible anomalies in the data sources.

In February of 2020, EDD conducted a further review of NCC storage and located copies of some accounts which had previously been identified as potentially missing. This discovery reduced the total number of impacted mailboxes to 747.

Account Deletion Causes

Office365 was designed to integrate with Active Directory (AD) accounts, which were controlled and managed by local AD administrators from 2013 through early 2019. Based on EPA's investigation, it appears that local AD administrators failed to successfully follow the procedures for disabling or deactivating AD accounts when a request to close the account was received. Through its research, EPA has determined that 490 mailboxes belonged to users who separated from the Agency before April 1, 2015, at a time when local AD administrators were instructed to disable, not delete, the AD accounts for separated users. It therefore appears that as the result of human error, these AD accounts were deleted instead of being disabled during this time, resulting in the loss of the mailboxes associated with those accounts.³ The remaining 257 mailboxes belonged to users who left the Agency after April 1, 2015 at a time when local AD administrators were instructed to move the accounts into a centralized location for deprovisioning. Of these remaining 257 mailboxes, EPA has determined that 24 were deleted through human error as a result of specific intervention by EPA staff in 2017 in an attempt to recover the licenses associated with those accounts for reuse, and 233 were either not moved to the proper location for deprovisioning or lost due to the failure to follow instructions regarding appropriate deprovisioning, thereby resulting in the loss of the mailboxes associated with those accounts.

³ As noted above, prior to December 2016, once a user separated from EPA, the user's mailbox could be deleted, if not subject to other legal preservation obligations. Prior to and after December 2016, as explained above, the Agency issued instructions to local AD administrators on deprovisioning mailboxes to ensure that any mailboxes subject to legal preservation obligations could be retained.

Actions taken to salvage, retrieve or reconstruct the records

As detailed above, following EDD's initial discovery of two missing mailboxes in November 2019, OITO immediately launched a coordinated and thorough investigation aimed not only at locating the mailboxes, but at attempting to understand the full extent of any additional potential losses. Following the deletion of an AD account, the corresponding mailbox is not actually deleted, but rather, it is marked for a "soft-delete." During this time in which a mailbox is marked for a "soft-delete," the mailbox can be recovered. After 30 days, a "soft-deleted" mailbox is marked for permanent deletion and cannot be recovered. In November 2019, OITO consulted Microsoft regarding the possible recovery of a permanently deleted mailboxes (i.e. mailboxes which were marked for deletion over 30 days prior). Microsoft confirmed that once the file has been permanently deleted, it cannot be recovered.

As noted above, since at least 2009, EPA has required employees to save emails that are federal records into an approved recordkeeping system. EPA expects that all former employees with impacted mailboxes followed applicable email records management procedures and properly preserved their email records in an approved recordkeeping system. Further, as noted above, copies of any impacted emails likely exist in user mailboxes across the Agency. However, given the number of affected users, EPA determined that it is not feasible to attempt to reconstruct the complete contents of the impacted users' mailboxes by searching for these copies in other EPA mailboxes.

Continuing actions and improvements

EPA has addressed the causes of the inadvertent deletion of the mailboxes in two main ways. First, EPA's March 2019 implementation of Capstone brought with it various safeguards that protect against the inadvertent loss of email records or loss of mailboxes generally. Second, EPA has taken steps to improve the account deprovisioning process to reduce the likelihood of human error in that process.

Capstone-Specific Safeguards

With the Agency's implementation of Capstone, preservation of the mailbox has been significantly automated. In particular, under Capstone, the steps required to ensure appropriate retention of the mailbox at the end of its lifecycle are performed at the time an account is created, removing the unpredictability of staff compliance. Under the Capstone program, all Office365 user mailboxes are saved to the cloud and have an automatic preservation policy placed upon them at the time of creation, and all mailboxes are automatically and routinely checked to ensure that each has a preservation policy in place.

Moreover, OMS has instituted additional, redundant, and automated controls designed to prevent accidental manual deletion of Office365 mailboxes. Every morning, a script is run against all mailboxes to ensure that all have a preservation policy in place, and if not, the script applies the preservation policy. Further, a script is run every afternoon and sends an email to the Office365 administrator to report any anomalies. As an additional safeguard, there are four additional scripts that are run every three hours, which apply any changes to the retention policy for mailboxes. To date, EPA's experience is that these scripts are properly working to locate errant mailboxes without preservation policies and place the appropriate preservation policy on them.

Deprovisioning Process Improvements

Additionally, EPA has significantly automated the process for provisioning and deprovisioning AD accounts, in an effort to eliminate human error in deprovisioning accounts. Starting in July 2019, we now leverage eBusiness for ordering, canceling, and transferring AD accounts. Specifically, when a user

leaves the Agency, a deprovision request is placed in eBusiness which then automates the process for disabling the account and moves the account into the deprovisioning queue. This change also restricts the re-use of Local Area Network IDs and email addresses for at least seven years. On July 1, 2019, this new deprovisioning process was implemented, and on July 30, 2019, access was removed so AD administrators could no longer add accounts to the deprovisioning process and the AD administrators who were able to remove accounts were prevented from doing so.

Together, these measures remedy past processes for managing the mailboxes of separated users by incorporating a more standardized, centralized, and automated protocol for email account deprovisioning. These measures provide EPA adequate assurances that the issues giving rise to the loss of the Office365 mailboxes have been appropriately addressed.

Going forward, EPA will continue its commitment to educating employees about the Agency's records policy and the preservation of federal records. Among other things, the Agency continues to train employees annually on Federal Records Act requirements.

EPA values NARA's guidance on this important topic and can provide further information as requested. Should you have any questions in the interim, you may contact me via email at ellis.john@epa.gov, or via telephone at (202) 566-1643.

Sincerely,

Ellis, John

Digitally signed by
Ellis, John
Date: 2020.06.19
18:19:01 -04'00'

John B. Ellis, CRM
EPA Records Officer