

Message

From: Ellis, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=552842B807CD4378984C265F9D21CC8C-JELLIS03]
Sent: 4/7/2020 11:11:02 PM
To: Carla Simms [carla.simms@nara.gov]
CC: Johnston, Robert [Johnston.Robert@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: NARA Call on Email Account Matter - Moving Forward

Hello Carlo,

We are still researching the issue but wanted to touch base with you early in the process to convey what we are working on in the event that NARA have early feedback or suggestions for EPA. We would prefer to send you additional detailed information after the call and after EPA's research into the question is completed, since our understanding of the issue continues to evolve. From our end we planned to have three staff on the teleconference – myself, my supervisor Robert Johnston, and Lynn Kelly from our Office of General Counsel.

We would like to have the call by the end of the week, if possible.

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: Carla Simms <carla.simms@nara.gov>
Sent: Tuesday, April 07, 2020 11:04 AM
To: Ellis, John <Ellis.john@epa.gov>
Cc: Johnston, Robert <Johnston.Robert@epa.gov>; Flaherty, Kate <kate.flaherty@nara.gov>
Subject: Re: FW: NARA Call on Email Account Matter - Moving Forward

Hi John,

I searched through my emails to try to see if this was an issue that you brought up to us before but I couldn't find anything. Since this is new, can you provide us with more details about the missing email accounts and the investigation that you conducted so far into the matter? This will help us get a better sense of the issue so that we know who to include on a future call.

Thanks,
 Carla

On Mon, Apr 6, 2020 at 5:37 PM Ellis, John <Ellis.john@epa.gov> wrote:

Hello Carla,

I hope you and your family are doing well.

EPA would like to schedule a conference call with NARA to discuss a matter regarding some missing EPA e-mail accounts. We have investigated the issue and would like to share our finding with NARA. Can you coordinate with the appropriate NARA employees that should participate in the discussion? We can meet later this week or next, depending on availabilities.

Thank you,

John B. Ellis, CRM - Agency Records Officer

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

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

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From: Wells, Jeffrey <Wells.jeffrey@epa.gov>
Sent: Monday, April 06, 2020 2:44 PM
To: Johnston, Robert <Johnston.Robert@epa.gov>
Cc: Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Ellis, John <Ellis.john@epa.gov>
Subject: NARA Call on Email Account Matter - Moving Forward

Hi Robert,

We're ready to have the NARA call in the next week or so – as you're aware we have agreement on talking points for it. And Lynn Kelly called me late last week to confirm.

Callers from EPA side should be you, Lynn Kelly and John Ellis with whomever from NARA needs to be on the line.

Copying Vaughn, Wendy, John, Lynn to let them know we're moving out on this.

Let me know if you have questions. Once we have the call with NARA, I'll need to work with Rob Stachowiak on the desk statement for Corry and Nancy in OPA.

Thanks,

Jeff

Jeff Wells

Director

Office of Enterprise Information Programs (OEIP)

Office of Mission Support

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue NW (2821T)

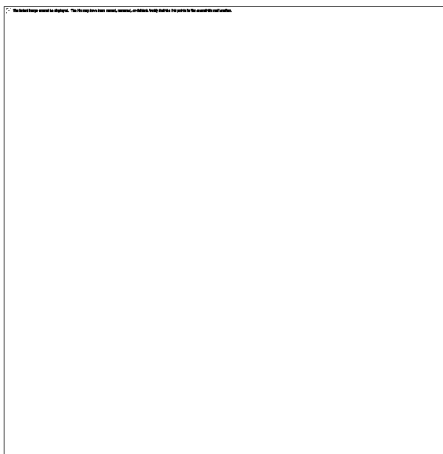
Washington, DC 20460

wells.jeffrey@epa.gov

202/566-1706 - Direct Line

202/834-1624 - Mobile

Street Address: 6312A William Jefferson Clinton West Building, 1301 Constitution Ave. NW



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Thank you,
Carla Simms
Appraisal Team 3
Records Management Operations (ACR3)
National Archives and Records Administration
(301) 837-1897

Message

From: Ellis, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=552842B807CD4378984C265F9D21CC8C-JELLIS03]
Sent: 3/19/2020 7:50:07 PM
To: Anne Mason [marianne.mason@nara.gov]
CC: Pamela Najar-Simpson [pamela.najar-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]
Subject: RE: Request for Emergency Destruction of Records

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

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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?

NARA will be coordinating our response with our Preservation Programs staff and possibly a couple of other NARA units as well. We may want to call you for follow up and to see if you have questions about the process. Let us know if you think a conference call would be helpful for you and we'll set up a WebEx session. Since I'm based in College Park, Maryland, it would also be possible for me to come to EPA for a meeting or to assess the records.

Meanwhile, if anything has changed since your initial letter to NARA please let us know so that we may update our case file information. Also, please do not hesitate to contact us with any questions.

Thanks in advance for this information.

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Anne Mason, CA
Office of the Chief Records Officer, Operations Research and Support Team
Archives Specialist
301-837-3502
marianne.mason@nara.gov

----- Forwarded message -----

From: **Laurence Brewer** <laurence.brewer@nara.gov>
Date: Wed, Mar 4, 2020 at 5:05 PM
Subject: Fwd: Request for Emergency Destruction of Records
To: Cote, Darin <darin.cote@nara.gov>, Marianne Mason <marianne.mason@nara.gov>, Kabrel, Jack <jack.kabrel@nara.gov>, Lisa Haralampus <lisa.haralampus@nara.gov>

A new FRED case from EPA.

----- Forwarded message -----

From: **Ellis, John** <Ellis.john@epa.gov>
Date: Wed, Mar 4, 2020 at 3:22 PM
Subject: Request for Emergency Destruction of Records
To: Laurence Brewer <laurence.brewer@nara.gov>

Hello Laurence,

Attached is a letter requesting Emergency Destruction of Records that are a menace to the health and safety of EPA personnel.

I look forward to your response.

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: (301) 974-4582
Blog: [Records Express](#)

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Anne Mason, CA
Office of the Chief Records Officer, Operations Research and Support Team
Archives Specialist
301-837-3502
marianne.mason@nara.gov

Message

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Sent: 3/19/2020 4:04:46 PM
To: marianne.mason@nara.gov
Subject: EPA Damaged Records
Attachments: IMG_0216.jpg; ATT00001.txt; IMG_0215.jpg; IMG_0214.jpg; IMG_0212.jpg; IMG_0211.jpg; IMG_0210.jpg

Hello Annie,

Here are the photos that were taken on January 22, 2020.

John B. Ellis, CRM - Agency Records Officer
Office of Mission Support (OMS) I Enterprise Records Management Division (ERMD)
1301 Constitution Ave., NW, Washington, DC 20460 I WJCW I Mail Code 2821T
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306

REGS 1023a

Regulatory Development and Implementation, and Dockets
Final rulemakings and related development and
implementation recordsClose 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:

United States Environmental Protection Agency



Destroy

or



Permanently Transfer

03/31/2016

306

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Close Date

Retire Date

Final Disposition Date

07/07/2003

10/01/2004

01/01/2019

Final Disposition Action: ☐ Destroy or ☒ Permanently Transfer
United States Environmental Protection Agency

03/31/2016

306

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Regulatory Development and Implementation, and Dockets
Final rulemakings and related development and
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Close when end of
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Close Date

07/07/2003

Retire Date

10/01/2004

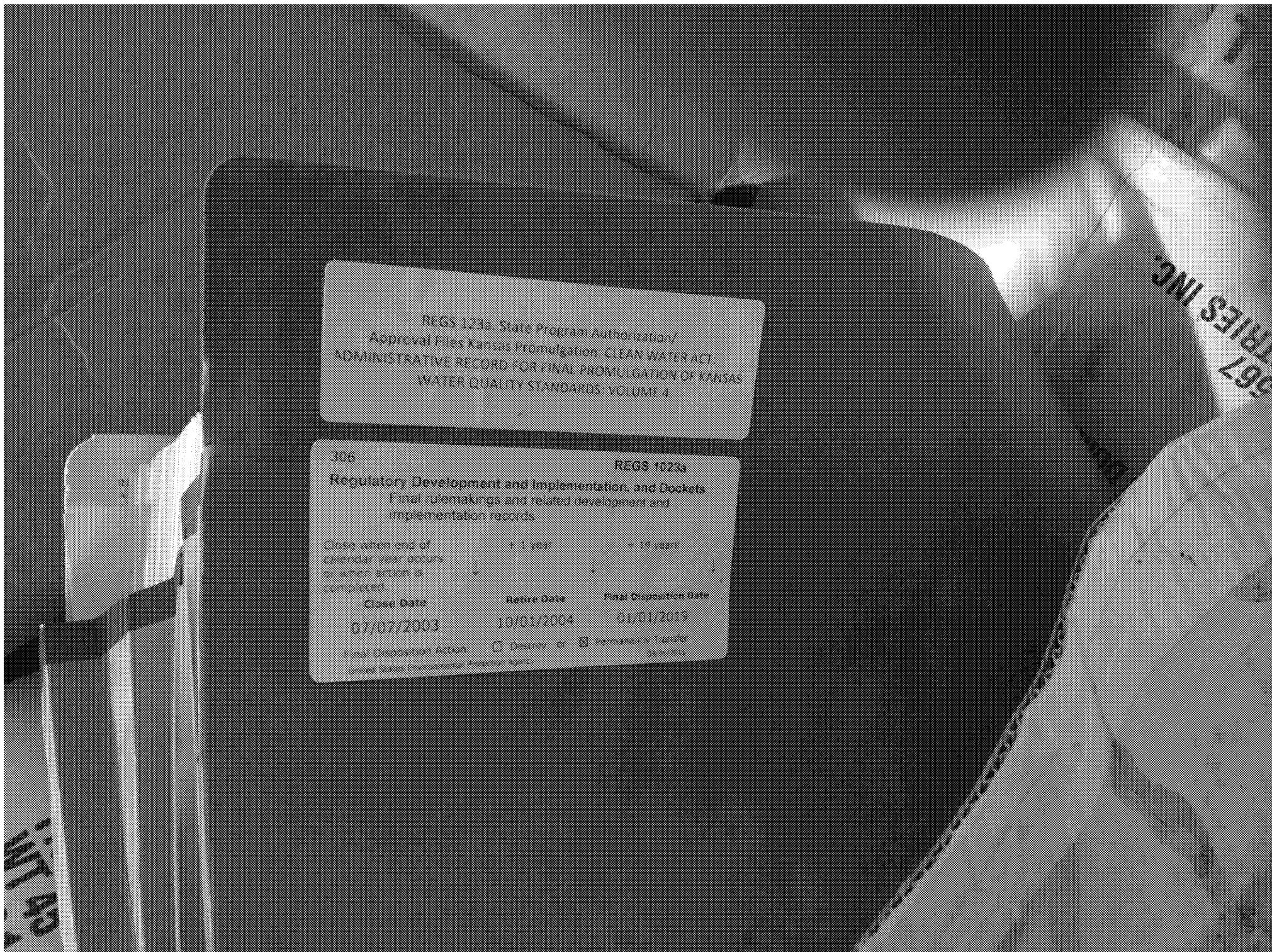
Final Disposition Date

01/01/2019

Final Disposition Action:☐ Destroy or☒ Permanently Transfer

United States Environmental Protection Agency

03/31/2016





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Sent: 3/4/2020 8:20:13 PM
To: Laurence Brewer [laurence.brewer@nara.gov]
Subject: Request for Emergency Destruction of Records
Attachments: Emergency Destruction of Records OW2020-03-04-153128.pdf

Hello Laurence,

Attached is a letter requesting Emergency Destruction of Records that are a menace to the health and safety of EPA personnel.

I look forward to your response.

John B. Ellis, CRM - Agency Records Officer

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1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T
Phone: 202-566-1643, Mobile: 202-657-3091

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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. WWPD/WRPB - Water Quality.
 Date. August 31, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00221 -
 00292. WWPD/WRPB - Water Quality.
 Date. Sept. 19, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00088 -
 00150. WWPD/WRPB - Water Quality.
 Date. Sept. 15, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00151 -
 00220. WWPD/WRPB - Water Quality.
 Date. Sept. 18, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00293 -
 00411. WWPD/WRPB - Water Quality.
 Date. Sept. 21, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00770 -
 00865. WWPD/WRPB - Water Quality.
 Date. Sept. 29, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00617 -
 00687. WWPD/WRPB - Water Quality.
 Date. Sept. 27, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00688 -
 00769. WWPD/WRPB - Water Quality.
 Date. Sept. 28, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00412 -
 00454. WWPD/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. WWPD/WRPB - Water Quality.
 Date. Sept. 26, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00951 - 01019. WWPD/WRPB
 Water Quality. Date. October 3, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #01039 - 01118. WWPD/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
- Use Attainability Protocols
 (April 7, 2000).
 - Kansas Promulgation - Public
 Comments #01635. Exhibit BB -
 1 Duplicate.
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?]

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
 - 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.
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 -

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

Box 8 of 18

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 #01635. 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 1. 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:

```
# 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/hel
p?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/hel
p?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 SAPPAL C 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
 Promulgation – Public
 Promulgation – Public Comments
 01635 Exhibit G – Duplicate.

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

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

Message

Sent: 3/18/2020 8:08:53 PM
To: Anne Mason [marianne.mason@nara.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 Anne,

EPA's responses to your questions are in red below, in addition , we have provided photographs that were taken on January 22, 2020.

From: Anne Mason <marianne.mason@nara.gov>
Sent: Tuesday, March 10, 2020 11:08 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: Fwd: Request for Emergency Destruction of Records

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.

The photos taken by FMSD are attached. The records were located in a secure conference 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 & upon discovery of the wet boxes, the program office was provided three vendor names to reach out in an effort to have document restoration performed. Given no action was taken for several weeks, the boxes became consumed with visible mold. Had the program office responded 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 then consumed with mold.

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?

NARA will be coordinating our response with our Preservation Programs staff and possibly a couple of other NARA units as well. We may want to call you for follow up and to see if you have questions about the process. Let us know if you think a conference call would be helpful for you and we'll set up a WebEx session. Since I'm based in College Park, Maryland, it would also be possible for me to come to EPA for a meeting or to assess the records.

Meanwhile, if anything has changed since your initial letter to NARA please let us know so that we may update our case file information. Also, please do not hesitate to contact us with any questions.

Thanks in advance for this information.

--

Anne Mason, CA
Office of the Chief Records Officer, Operations Research and Support Team
Archives Specialist
301-837-3502
marianne.mason@nara.gov

----- Forwarded message -----

From: **Laurence Brewer** <laurence.brewer@nara.gov>
Date: Wed, Mar 4, 2020 at 5:05 PM
Subject: Fwd: Request for Emergency Destruction of Records
To: Cote, Darin <darin.cote@nara.gov>, Marianne Mason <marianne.mason@nara.gov>, Kabrel, Jack <jack.kabrel@nara.gov>, Lisa Haralampus <lisa.haralampus@nara.gov>

A new FRED case from EPA.

----- Forwarded message -----

From: **Ellis, John** <Ellis.john@epa.gov>
Date: Wed, Mar 4, 2020 at 3:22 PM
Subject: Request for Emergency Destruction of Records
To: Laurence Brewer <laurence.brewer@nara.gov>

Hello Laurence,

Attached is a letter requesting Emergency Destruction of Records that are a menace to the health and safety of EPA personnel.

I look forward to your response.

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.

--
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](#)

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| | | | | |

Message

Sent: 3/18/2020 8:24:11 PM
To: Anne Mason [marianne.mason@nara.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

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Sent: Tuesday, March 10, 2020 11:08 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: Fwd: Request for Emergency Destruction of Records

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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.

The photos taken by FMSD are attached. The records were located in a secure conference 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 & upon discovery of the wet boxes, the program office was provided three vendor names to reach out in an effort to have document restoration performed. Given no action was taken for several weeks, the boxes became consumed with visible mold. Had the program office responded 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 then consumed with mold.

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

Without looking through the boxes closely, 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 of the non-paper media it does not appear that the information was duplicated. The non-paper information appears to be photographs and recordings of public hearings on the proposed rule and exhibits submitted by the public. Some of the non-paper information is on electronic media that we do not have hardware to read (3.5" and 5.25 floppy discs and negatives) so we cannot confirm the contents.

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.

NARA will be coordinating our response with our Preservation Programs staff and possibly a couple of other NARA units as well. We may want to call you for follow up and to see if you have questions about the process. Let us know if you think a conference call would be helpful for you and we'll set up a WebEx session. Since I'm based in College Park, Maryland, it would also be possible for me to come to EPA for a meeting or to assess the records.

Meanwhile, if anything has changed since your initial letter to NARA please let us know so that we may update our case file information. Also, please do not hesitate to contact us with any questions.

Thanks in advance for this information.

--

Anne Mason, CA
Office of the Chief Records Officer, Operations Research and Support Team
Archives Specialist
301-837-3502
marianne.mason@nara.gov

----- Forwarded message -----

From: **Laurence Brewer** <laurence.brewer@nara.gov>

Date: Wed, Mar 4, 2020 at 5:05 PM

Subject: Fwd: Request for Emergency Destruction of Records

To: Cote, Darin <darin.cote@nara.gov>, Marianne Mason <marianne.mason@nara.gov>, Kabrel, Jack <jack.kabrel@nara.gov>, Lisa Haralampus <lisa.haralampus@nara.gov>

A new FRED case from EPA.

----- Forwarded message -----

From: **Ellis, John** <Ellis.john@epa.gov>

Date: Wed, Mar 4, 2020 at 3:22 PM

Subject: Request for Emergency Destruction of Records

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

Hello Laurence,

Attached is a letter requesting Emergency Destruction of Records that are a menace to the health and safety of EPA personnel.

I look forward to your response.

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.

--
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](#)

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Message

From: DC-WJCW-6340J-M@epa.gov [DC-WJCW-6340J-M@epa.gov]
Sent: 3/4/2020 8:31:44 PM
To: Ellis, John [Ellis.john@epa.gov]
Subject: Request for Emergency Destruction of Records
Attachments: Emergency Destruction of Records OW2020-03-04-153128.pdf



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. WWPD/WRPB - Water Quality.
 Date. August 31, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00221 -
 00292. WWPD/WRPB - Water Quality.
 Date. Sept. 19, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00088 -
 00150. WWPD/WRPB - Water Quality.
 Date. Sept. 15, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00151 -
 00220. WWPD/WRPB - Water Quality.
 Date. Sept. 18, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00293 -
 00411. WWPD/WRPB - Water Quality.
 Date. Sept. 21, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00770 -
 00865. WWPD/WRPB - Water Quality.
 Date. Sept. 29, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00617 -
 00687. WWPD/WRPB - Water Quality.
 Date. Sept. 27, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00688 -
 00769. WWPD/WRPB - Water Quality.
 Date. Sept. 28, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00412 -
 00454. WWPD/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. WWPD/WRPB - Water Quality.
 Date. Sept. 26, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00951 - 01019. WWPD/WRPB
 Water Quality. Date. October 3, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #01039 - 01118. WWPD/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
- Use Attainability Protocols
 (April 7, 2000).
 - Kansas Promulgation - Public
 Comments #01635. Exhibit BB -
 1 Duplicate.
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?]

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

- 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.

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 -

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

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.

Box 8 of 18

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 #01635. 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 1. 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:

```
# 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/hel
p?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/hel
p?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 SAPPAL C 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
 Promulgation – Public
 Promulgation – Public Comments
 01635 Exhibit G – Duplicate.

- 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.

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

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

- 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

Message

From: Ellis, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=552842B807CD4378984C265F9D21CC8C-JELLIS03]
Sent: 3/10/2020 7:46:02 PM
To: WigginsLewis, Miriam [WigginsLewis.Miriam@epa.gov]
CC: Reed, Khesha [Reed.Khesha@epa.gov]; Johnston, Robert [Johnston.Robert@epa.gov]
Subject: FW: Request for Emergency Destruction of Records
Attachments: Emergency Destruction of Records OW2020-03-04-153128.pdf; RE: Wet Boxes - Notice of Removal

Hello Miriam,

Below is the response EPA received from NARA regarding the damaged records and they have several questions. I contacted Gayle Jefferson, Director Facilities Management and Services Division (FMSD) and she confirmed that the damaged records were destroyed on Friday of last week.

While we obviously can not positively address all of NARA's questions, e.g., Can you obtain digital photos of the damaged records or boxes? Can you meet with the Program Office and provide a draft response to as many of NARA's questions as possible.

We need to get back to NARA with a response in the next couple of days but the sooner the better. I've attached a copy of the letter that was sent to NARA and the email thread from Gayle Jefferson, with the last message stating the records will be disposed of on Friday, March 6, 2020.

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: Tuesday, March 10, 2020 11:08 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: Fwd: Request for Emergency Destruction of Records

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?

NARA will be coordinating our response with our Preservation Programs staff and possibly a couple of other NARA units as well. We may want to call you for follow up and to see if you have questions about the process. Let us know if you think a conference call would be helpful for you and we'll set up a WebEx session. Since I'm based in College Park, Maryland, it would also be possible for me to come to EPA for a meeting or to assess the records.

Meanwhile, if anything has changed since your initial letter to NARA please let us know so that we may update our case file information. Also, please do not hesitate to contact us with any questions.

Thanks in advance for this information.

--

Anne Mason, CA
Office of the Chief Records Officer, Operations Research and Support Team
Archives Specialist
301-837-3502
marianne.mason@nara.gov

----- Forwarded message -----

From: **Laurence Brewer** <laurence.brewer@nara.gov>
Date: Wed, Mar 4, 2020 at 5:05 PM
Subject: Fwd: Request for Emergency Destruction of Records
To: Cote, Darin <darin.cote@nara.gov>, Marianne Mason <marianne.mason@nara.gov>, Kabrel, Jack <jack.kabrel@nara.gov>, Lisa Haralampus <lisa.haralampus@nara.gov>

A new FRED case from EPA.

----- Forwarded message -----

From: **Ellis, John** <Ellis.john@epa.gov>
Date: Wed, Mar 4, 2020 at 3:22 PM
Subject: Request for Emergency Destruction of Records
To: Laurence Brewer <laurence.brewer@nara.gov>

Hello Laurence,

Attached is a letter requesting Emergency Destruction of Records that are a menace to the health and safety of EPA personnel.

I look forward to your response.

John B. Ellis, CRM - Agency Records Officer

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

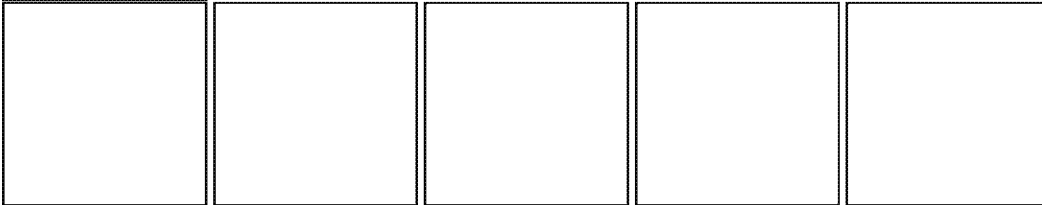
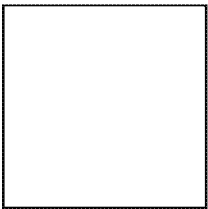
1301 Constitution Ave., NW, Washington, DC 20460 | WJCW | Mail Code 2821T

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.

--
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](#)





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. WWPD/WRPB - Water Quality.
 Date. August 31, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00221 -
 00292. WWPD/WRPB - Water Quality.
 Date. Sept. 19, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00088 -
 00150. WWPD/WRPB - Water Quality.
 Date. Sept. 15, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00151 -
 00220. WWPD/WRPB - Water Quality.
 Date. Sept. 18, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00293 -
 00411. WWPD/WRPB - Water Quality.
 Date. Sept. 21, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00770 -
 00865. WWPD/WRPB - Water Quality.
 Date. Sept. 29, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00617 -
 00687. WWPD/WRPB - Water Quality.
 Date. Sept. 27, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00688 -
 00769. WWPD/WRPB - Water Quality.
 Date. Sept. 28, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00412 -
 00454. WWPD/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. WWPD/WRPB - Water Quality.
 Date. Sept. 26, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00951 - 01019. WWPD/WRPB
 Water Quality. Date. October 3, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #01039 - 01118. WWPD/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
- Use Attainability Protocols
 (April 7, 2000).
 - Kansas Promulgation - Public
 Comments #01635. Exhibit BB -
 1 Duplicate.
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?]

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
 - 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.
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 -

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

Box 8 of 18

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.
 - 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.
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.
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
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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 #01635. 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:

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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 1. 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:

```
# 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/hel
p?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/hel
p?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 SAPPAL C 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
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State Program Authorization
 Approval Files Kansas
 Promulgation – Public
 Promulgation – Public Comments
 01635 Exhibit G – Duplicate.

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

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



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. WWPD/WRPB - Water Quality.
 Date. August 31, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00221 -
 00292. WWPD/WRPB - Water Quality.
 Date. Sept. 19, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00088 -
 00150. WWPD/WRPB - Water Quality.
 Date. Sept. 15, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00151 -
 00220. WWPD/WRPB - Water Quality.
 Date. Sept. 18, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00293 -
 00411. WWPD/WRPB - Water Quality.
 Date. Sept. 21, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00770 -
 00865. WWPD/WRPB - Water Quality.
 Date. Sept. 29, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00617 -
 00687. WWPD/WRPB - Water Quality.
 Date. Sept. 27, 2000.
4. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00688 -
 00769. WWPD/WRPB - Water Quality.
 Date. Sept. 28, 2000.
5. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00412 -
 00454. WWPD/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. WWPD/WRPB - Water Quality.
 Date. Sept. 26, 2000.
2. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #00951 - 01019. WWPD/WRPB
 Water Quality. Date. October 3, 2000.
3. REGS 1023a: State Program
 Authorization/Approval Files Kansas
 Promulgation - Public Comments #01039 - 01118. WWPD/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
- Use Attainability Protocols
 (April 7, 2000).
 - Kansas Promulgation - Public
 Comments #01635. Exhibit BB -
 1 Duplicate.
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?]

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

- 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.

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 -

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

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.

Box 8 of 18

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 #01635. 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 1. 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:

```
# 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/hel
p?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/hel
p?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 SAPPAL C 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
 Promulgation – Public
 Promulgation – Public Comments
 01635 Exhibit G – Duplicate.
- 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.

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

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

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

Message

From: Ellis, John [Ellis.john@epa.gov]
Sent: 3/23/2020 8:36:41 PM
To: Anne Mason [marianne.mason@nara.gov]
CC: Myers, Kevin [Myers.Kevin@epa.gov]; Johnston, Robert [Johnston.Robert@epa.gov]
Subject: RE: Request for Emergency Destruction of Records

Hello Anne,

I hope you are having luck getting access to the Personal Protective Equipment (PPE). I checked with Kevin Myers, EPA's Facility Manager, to see whether they had any PPE that you could use for your visit and unfortunately they don't have any extra. Kevin will be your POC for getting access to the records. His email address and telephone numbers are myers.kevin@epa.gov, work: 202-564-3112 and mobile: Ex. 6 PP / Ex. 7(C) While Kevin was available today, he is not certain about the next few days because there might be a mandatory shutdown of the facility coming soon.

Please let us know as soon as possible, when you have the PPE and can come assess the records. Time is of the essence.

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: Monday, March 23, 2020 2:05 PM
To: Ellis, John <Ellis.john@epa.gov>
Subject: Re: Request for Emergency Destruction of Records

Hi John,

I agree that getting a better sense of the current situation would be helpful. The pictures you sent show records, that while damaged, are very recoverable. I've been involved in successful recovery of records that were in far worse condition. Do you know if the HVAC was turned off to the room where the records reside? If the HVAC was on, the relative humidity and climate control that most office spaces maintain would mean there's a decent chance the records are dry. If they're dry, the mold could be largely dormant.

COVID19 has thrown a logistical wrench into things. I'm trying to see if there's PPE available so that I or one of my colleagues could examine the records. The wrinkle is the equipment is stored in an area at our College Park facility that I don't have the permissions to access and I'm trying to figure out who is still working at the facility and how I can get access. It's highly unlikely that I could order any PPE with it being in such high demand. I'll keep you apprised.

On Mon, Mar 23, 2020 at 11:43 AM Ellis, John <Ellis.john@epa.gov> wrote:

Hi Anne,

Thanks for the quick response. I think there still may be value in you coming to see the records before we try to get a restoration company.

Keep in mind the pictures I sent are two months old.

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: Friday, March 20, 2020 3:24 PM

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

Cc: Johnston, Robert <Johnston.Robert@epa.gov>; Jefferson, Gayle <Jefferson.Gayle@epa.gov>; Reed, Khesha <Reed.Khesha@epa.gov>

Subject: Re: Request for Emergency Destruction of Records

Our Preservation division has some info about contracting services and vendors on their website. It includes a list of contractors and some work statements that you can use. While NARA can't recommend any particular vendor, I've successfully worked with BMS Cat and Belfor in past projects that are similar to this.

<https://www.archives.gov/preservation/records-emergency/contracting>

One of our conservators has been included in the discussions about this and can assist. Pamela Najar-Simpson at 301-837-0938, Ex. 6 PP / Ex. 7(C) or via email at pamela.najar-simpson@nara.gov

She suggested, speaking from her experience, that you may want to initially contract for rehousing and reboxing and only deal with drying the records if they are indeed still wet when they get to the vendor's facility. If you write drying the records into the contract from the beginning, it may unnecessarily increase your costs.

On Fri, Mar 20, 2020 at 2:57 PM Ellis, John <Ellis.john@epa.gov> wrote:

Hi Anne,

Do you have any immediate recommendations of a company that's equipped to come and move the records in their current condition. They will likely need to be repacked, as the current boxes are full of mold and falling apart. We need to get them out of the GSA space.

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

Sent: Friday, March 20, 2020 2:45 PM

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

Subject: Re: Request for Emergency Destruction of Records

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

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

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Sent: Thursday, March 19, 2020 3:50 PM

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

Cc: Pamela Najar-Simpson <pamela.najar-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>

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Thanks in advance for this information.

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Anne Mason, CA

Office of the Chief Records Officer, Operations Research and Support Team

Archives Specialist

301-837-3502

marianne.mason@nara.gov

----- Forwarded message -----

From: **Laurence Brewer** <laurence.brewer@nara.gov>

Date: Wed, Mar 4, 2020 at 5:05 PM

Subject: Fwd: Request for Emergency Destruction of Records

To: Cote, Darin <darin.cote@nara.gov>, Marianne Mason <marianne.mason@nara.gov>, Kabrel, Jack <jack.kabrel@nara.gov>, Lisa Haralampus <lisa.haralampus@nara.gov>

A new FRED case from EPA.

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From: **Ellis, John** <Ellis.john@epa.gov>
Date: Wed, Mar 4, 2020 at 3:22 PM
Subject: Request for Emergency Destruction of Records
To: Laurence Brewer <laurence.brewer@nara.gov>

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Message

From: Ellis, John [Ellis.john@epa.gov]
Sent: 3/20/2020 6:57:48 PM
To: Anne Mason [marianne.mason@nara.gov]
CC: Johnston, Robert [Johnston.Robert@epa.gov]; Jefferson, Gayle [Jefferson.Gayle@epa.gov]; Reed, Khesha [Reed.Khesha@epa.gov]
Subject: RE: Request for Emergency Destruction of Records

Hi Anne,

Do you have any immediate recommendations of a company that's equipped to come and move the records in their current condition. They will likely need to be repacked, as the current boxes are full of mold and falling apart. We need to get them out of the GSA space.

John B. Ellis, CRM - Agency Records Officer

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

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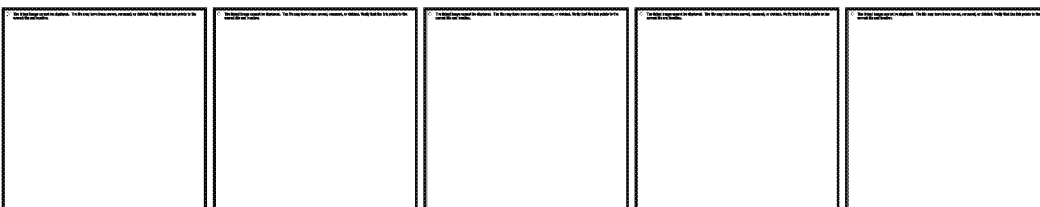
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Anne Mason, CA
Office of the Chief Records Officer, Operations Research and Support Team
Archives Specialist
301-837-3502
marianne.mason@nara.gov

Message

From: Ellis, John [Ellis.john@epa.gov]
Sent: 12/12/2019 10:34:17 PM
To: Andrea Noel [andrea.noel@nara.gov]
CC: Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Wells, Jeffrey [Wells.jeffrey@epa.gov]; Johnston, Robert [Johnston.Robert@epa.gov]; Henderson, Austin [Henderson.Austin@epa.gov]; Gonder, Sharon [Gonder.Sharon@epa.gov]; Alvarado, David [alvarado.david@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: Unauthorized Disposition Case UD-2020-0013
Attachments: 2019-11-14_UD-2020-0013_EPA_Open letter.pdf; EPA_UD-2020-0013 Response Letter2019-12-12-174515.pdf; Response to NARA Letter of July 10 2018 2018-10-10-160524 (003).pdf

Hello Andrea,

Attached is EPA's Response Letter and enclosure to Laurence Brewer's 11/14/19 Letter, Case No. EPA_UD-2020-0013.

Please let me know if you have any questions.

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: Andrea Noel <andrea.noel@nara.gov>
Sent: Tuesday, November 19, 2019 11:36 AM
To: Ellis, John <Ellis.john@epa.gov>
Subject: Re: Unauthorized Disposition Case UD-2019-0013

John,

I'm sorry, the case number is incorrect. The case number reads UD-2019-0013, that's incorrect. It should be UD-2020-0013. I am sending the case letter again with the correct case number in the file name. Sorry for the oversight, still switching gears for the new FY. I hope you enjoy your time off.

Thanks,

Andrea A. Noel
 Senior Records Analyst
 Records Management Oversight and Reporting Division
 National Archives and Records Administration
 Tel: (301) 837-3564
 Mb: (301) 580-9374

On Tue, Nov 19, 2019 at 10:52 AM Ellis, John <Ellis.john@epa.gov> wrote:

Hello Andrea,

I'm on leave this week and next but in checking emails I noticed your message about the subject Case UD-2019-0013. Is NARA requesting a response within 30 days of the date of the letter (11/14) or within 30 days of the date it was sent to EPA (11/18)? The four days will make a big difference.

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: Andrea Noel <andrea.noel@nara.gov>
Sent: Monday, November 18, 2019 12:50 PM
To: Ellis, John <Ellis.john@epa.gov>
Subject: Unauthorized Disposition Case UD-2019-0013

Good afternoon John,

Please see the attached correspondence from Laurence Brewer, Chief Records Officer of the United States Government. Let me know if you have any questions or concerns.

Thanks,

Andrea A. Noel

Senior Records Analyst

Records Management Oversight and Reporting Division

National Archives and Records Administration

Tel: (301) 837-3564

Mb: (301) 580-9374



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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Sent Via Email. No Hard Copy to Follow.

November 14, 2019

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:

The National Archives and Records Administration (NARA) was made aware of allegations of unlawful destruction of agency records by Chief of Staff Ryan Jackson in a Politico article published on November 7, 2019.

The article reports that, "The Environmental Protection Agency's inspector general is investigating whether Chief of Staff Ryan Jackson was involved in destroying internal documents that should have been retained..."

If federal records are being unlawfully destroyed without proper authorization from NARA, such activity must cease immediately, and as required in 36 CFR 1230.14, EPA must promptly report to NARA any unauthorized disposition of agency records.

In accordance with 36 CFR 1230.16(b), please provide us with a response within 30 calendar days that includes a complete description of the records (including an approximation of the volume and dates of all destroyed records); a statement of what safeguards have been put into place (or will be put into place) to prevent any future unauthorized disposition or unlawful destruction of agency records; exact details of the circumstances surrounding any unauthorized disposition of agency records; and an outline of any actions taken to retrieve or recreate the records.

If you have any questions about this allegation or the agency requirements under the CFR, please contact me at Laurence.Brewer@nara.gov or at (301) 837-1539.

Sincerely,

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL
INFORMATION

October 10, 2018

Laurence Brewer
Chief Records Officer, United States Government
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Re: Response to July 10, 2018, letter, Ref. No. 2018-07-05_UD_EPA_UD-2018-0018

Dear Mr. Brewer:

This is the U.S. Environmental Protection Agency's (EPA's) response to your letter dated July 10, 2018, regarding allegations of unauthorized destruction of calendar records of former EPA Administrator Scott Pruitt, as reported in two media articles. Effective July 6, 2018, former Administrator Pruitt resigned from his position as Administrator of the EPA and is no longer an employee of the Agency.

EPA takes compliance with the requirements of the Federal Records Act (FRA) very seriously and has reviewed the allegations contained in the articles referenced in your July 10, 2018, letter to determine whether any unauthorized disposition of federal records has occurred. Staff in EPA's Office of the Administrator, Office of Environmental Information, and Office of General Counsel reviewed the allegations of the unauthorized disposition of calendar records and conducted follow-up to ascertain whether any unlawful disposition of records had occurred.

After a careful investigation, EPA has no reason to believe that federal records have been unlawfully destroyed. Further, based on the Agency's review of the matter, the articles referenced in your July 10th letter mischaracterize EPA's documentation of former Administrator Pruitt's schedule during his time at the Agency.

In order to facilitate review of the allegations by the National Archives and Records Administration (NARA), this letter describes the types of calendar records maintained by EPA to document the activities of the former EPA Administrator. This letter also reports information obtained as the result of the Agency's research into the allegations contained in the articles referenced in your July 10th letter. Finally, the letter explains the steps EPA staff have taken to enhance the management of calendar records at EPA. The Agency looks forward to your response and is interested in obtaining any guidance or other insights you may have as to any additional best practices EPA may want to employ prospectively regarding calendar management.

Types of Calendar Records

The articles cited in your July 10th letter refer to both an “official calendar” and a “public calendar” in reference to former Administrator Pruitt. The use of these terms interchangeably to describe various kinds of records introduces one major source of confusion. At the outset, it is important to clarify that EPA maintained former Administrator Pruitt’s official calendar for meetings and appointments using the Microsoft Outlook calendar application. EPA used an Outlook account established specifically to maintain the former Administrator’s schedule. This account is the location where the accurate and most complete information regarding the Administrator’s schedule is stored. EPA uses the Outlook calendar records to respond to Freedom of Information Act (FOIA) requests for information about the former Administrator’s schedule, and for purposes of managing the permanent records of the Administrator’s calendar for eventual transfer to NARA. Accordingly, the Outlook calendar constituted the “official calendar” for purposes of documenting the activities of former Administrator Pruitt.

As with prior EPA Administrators, EPA also voluntarily posted a simplified schedule for former Administrator Pruitt on the EPA.gov website that is different from the Outlook calendar. At times, the cited media reports confusingly and incorrectly refer to the EPA.gov calendar as EPA’s “official calendar” or “official schedule,” which is incorrect, as noted above. EPA provides the EPA.gov calendar resource on the website as a simplified, easily accessible source of information for the public regarding key activities of the EPA Administrator.

Allegations Related to the Creation and Management of Records About Former Administrator Pruitt’s Schedule

EPA would like to provide additional information about the creation and management of these distinct types of records to further clarify questions raised by the allegations in the articles.

As with other past Administrators, the EPA.gov calendar provided on the Agency’s website contains a subset of information relating to official meetings and events that were determined to be of general interest. The EPA.gov calendar serves a different purpose than the Outlook calendar, which results in numerous intentional differences between the two types of records, which are confusingly reported as unauthorized dispositions in the articles.

As noted on EPA’s website, the EPA.gov calendar “displays meetings with staff, stakeholders, elected officials, and others outside the Agency.” To create the EPA.gov calendar, EPA staff copy the items listed on the official Outlook calendar into a new document and then edit the document to make the information suitable for posting on EPA.gov. Staff remove entries such as medical appointments appearing in the Outlook calendar from the document prepared for EPA.gov posting since such meetings are personal and not of public interest. Staff also edit the entries to simplify the information for display on the website. For example, staff may edit the title of an entry to identify the organization or entity that participated in the meeting, but not the names of the individuals from the organization who attended. Finally, staff meeting entries are typically included on EPA.gov, but the titles of the staff meetings are re-labeled as “Staff Meeting” in order to prevent against the inadvertent release of a privileged matter. After the document is prepared in this manner, the information is reviewed and transmitted to the office responsible for posting the schedule to EPA.gov. As a result of this process, the EPA.gov calendar necessarily differs from the information contained in the official Outlook calendar, as it is not the official calendar and is designed to include only a subset of information on the official calendar.

Therefore, differences between the Outlook calendar records and the EPA.gov calendar, such as those alleged in the article, frequently appear and result from the intended nature and use of each record type. Attached to this letter is an example that is typical of each type of record for May 11, 2017, illustrating the different nature of EPA.gov and Outlook records.

EPA disputes any allegations that suggest that meetings on the official calendar that actually occurred were later removed inappropriately. EPA has not identified any evidence to support such an allegation. Staff in EPA's Office of General Counsel did reach out to staff in NARA's Office of General Counsel in the Fall of 2017 to discuss best practices for maintaining the EPA Administrator's Outlook calendar for purposes of the FRA. Specifically, EPA discussed the challenges agencies face in balancing the need to manage an ever-changing, day-to-day schedule of an Agency head, with the obligation to accurately document the Administrator's actual activities for the purposes of the FRA. At that time, EPA shared with staff in NARA's Office of General Counsel that it had learned that prior to September 2017, scheduling staff had made changes to the Outlook calendar in an effort to make the Outlook calendar reflect meetings that actually occurred. For example, scheduling staff corrected inaccurate entries by adding meetings that occurred but were not originally reflected on the schedule, removing meetings that were on the schedule that did not occur, or that the former Administrator did not attend, and modifying some entries that occurred in a different way than the original entry implied. Based on the investigation, it is EPA's understanding that these modifications were made to ensure the accuracy and completeness of the calendar record. EPA staff, after consultation with NARA's Office of General Counsel, determined that such changes did not constitute an unauthorized destruction of federal records, as the changes were made to reflect the actual events in which the former Administrator participated. This conclusion is consistent with and based on the Agency's obligation to create and maintain "adequate and proper documentation" of the "persons, places, things or matters dealt with by the agency" pursuant to 36 C.F.R. § 1222.22. Thus, while changes to the calendar were made by scheduling staff as part of management of the former Administrator's schedule to ensure the accuracy of the calendar, EPA has identified no evidence that meetings that occurred with former Administrator Pruitt were removed from the official Outlook calendar, as the articles imply.

Regarding the allegation that EPA staff met regularly to make changes to the former Administrator's calendar, EPA staff met with numerous relevant Agency staff, and did not identify any information indicating such meetings took place. It is possible that the allegations confusingly refer to meetings about what to put on EPA.gov when the Agency began posting that information for former Administrator Pruitt. Since the EPA.gov calendar reflects a subset of meetings, and not the official record of all events, it was necessary and appropriate that staff met to discuss what should be posted on that EPA.gov calendar. Alternatively, the allegations may be confusingly referring to substantive meetings about scheduling the former Administrator's meetings and travel. Meetings to plan and manage the Administrator's schedule occurred, but it is the Agency's understanding that those meetings were typical of normal advance planning for an agency principal. Finally, because EPA was processing copies of the detailed Outlook calendar records for release under FOIA, it is possible that the allegations may be confusingly referring to meetings to discuss what exempt information appeared in the records that would be suitable for redaction under one of FOIA's exemptions.

Other Types of Scheduling Records

The cited reports also allege that EPA maintained "secret" calendars. EPA staff reviewed the allegations, met with numerous relevant Agency staff, and reviewed available information sources including a review of the former Administrator's mobile devices. EPA staff did not identify any information

indicating that any calendars other than the Outlook and EPA.gov calendars ever existed. Based on information provided by Agency staff, EPA has confirmed that there was no other paper or electronic calendar used to keep a schedule of EPA activities for former Administrator Scott Pruitt.

The reported allegations about a “secret” calendar may be referring to other scheduling records circulated among certain senior staff to provide input on his proposed meetings. Scheduling staff did generate other kinds of individual, or ad hoc, records in their work to support the Administrator’s activities and assist with planning for public speaking events, travel, and security, among other functions. For example, one such type of record, used for previous EPA Administrators, including former Administrator Pruitt, is referred to at EPA as a “line by line.” A “line by line” document is typically a snapshot of the former Administrator’s potential schedule sent around to senior officials by email either days or weeks in advance. These “line by lines” were intended to provide senior officials with a general awareness of potential upcoming travel, events, and meetings of the Administrator. These “line by line” documents were draft, one-time, static snapshots of the Administrator’s proposed schedule. Once distributed, they were not updated to reflect real-time changes in the Administrator’s actual calendar. It is both expected and necessary that EPA staff manage the schedule of the Agency Administrator using multiple types of agency records that meet different business needs.

Allegations of Specific Changes to the Calendar

The article referenced in your July 10, 2018, letter alleges that meetings with a Vatican official during a trip to Italy were removed from an EPA calendar. The Outlook calendar reflects that the Administrator traveled to Italy during the period at issue. The specific details regarding the activities of the former Administrator while on the trip are recorded in other Agency records such as emails and travel-related records. The allegation in the article appears to relate to information about the former Administrator’s trip to Italy that was not included on the EPA.gov calendar. As noted above, the EPA.gov calendar is not the official calendar for purposes of documenting the activities of former Administrator Pruitt. Numerous other records document the activities of the former Administrator and other EPA staff on the Italy trip, including the events referenced in the article. Other EPA records indicate that the schedule for that trip was being developed until, and possibly even during, the trip. Therefore, other permanent records documenting the official business conducted by the Administrator during the trip to Italy have been captured and will continue to be managed appropriately according to the applicable records schedule. Records such as final meeting agendas, travel vouchers and other trip-related documents are managed alongside the Outlook and EPA.gov calendar records and help document agency activities.

The referenced article also alleges that a former employee reported that a meeting held on October 18, 2017 at 10:30 a.m. that is listed on EPA.gov had a participant that was not an EPA employee. EPA staff who participated in that meeting have confirmed that attorneys from a law firm representing the Orange County Water District did attend the meeting. Because EPA uses an internal EPA.gov account to maintain the Administrator’s schedule, typically meeting invitations are not sent electronically to external participants to preserve the utility of the internal secondary account. External participants in Administrator meetings are typically reflected in the meeting entry itself, or in other documents such as email correspondence or briefing materials. As also referenced in the article, the external participants in this meeting are indicated in email correspondence between scheduling staff and the external participants themselves.

Based on the above and its thorough review of the matter, EPA has no reason to believe that federal records have been unlawfully destroyed.

Continuing Actions and Improvements

EPA has established on-going best practices regarding the creation and preservation of calendar records for EPA Administrators. Scheduling staff, like all Agency staff, are trained on the FRA requirements through annual required training. Historically, knowledgeable and experienced staff assisted scheduling staff with understanding the records requirements specific to calendars of senior officials. Scheduling staff therefore understood the importance of making contemporaneous updates to the Outlook calendar and implemented those practices. At the beginning of the current Administration, there was turnover in scheduling staff, some of whom were new to scheduling, which presented some challenges from a training and consistency perspective. Current scheduling staff are experienced and regularly confer with senior staff -- at a minimum on a daily basis -- to ensure the accuracy and completeness of the Outlook calendar. Staff will often update the Outlook calendar throughout the day as changes occur to ensure accuracy.

Following the discussions with NARA staff in the Fall of 2017 that are described above, EPA staff worked with the Administrator's scheduling staff to reinforce the established best practices for ensuring the contemporaneous management of calendar records for the Administrator. The best practices balance the need to manage the EPA Administrator's schedule in real time, with the need to ensure accurate documentation of the Administrator's activities for purposes of the FRA and FOIA. EPA continues to look to identify ways to best manage these important and dynamic records, and would welcome any input on best practices that have been identified by NARA and/or other agencies facing similar challenges.

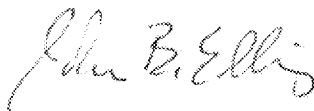
EPA scheduling staff have also established a practice of clearly marking Outlook entries for purely personal appointments with information identifying those entries as personal. EPA staff, including Acting Administrator Wheeler, determine whether a meeting is personal or work-related when scheduling the meeting, and will update that marking if the nature of an appointment changes after the event or meeting is completed. For instance, if an appointment with a personal acquaintance for lunch is marked personal, but official agency business is discussed during the lunch, then the Administrator or scheduling staff work to timely revise the Outlook entry to reflect that official business was discussed.

Finally, EPA continues to provide specific records training to senior officials, including Acting Administrator Wheeler, both on an annual basis and when the official joins the Agency. Acting Administrator Wheeler recently issued a memorandum to all employees regarding transparency. In that memo, Acting Administrator Wheeler directed not only that his schedule be made available on EPA.gov, but also that the schedules of other senior officials including the Deputy Administrator, Assistant Administrators, Associate Administrators, and Regional Administrators be made available as well. A copy of that memorandum is available at: <https://www.epa.gov/sites/production/files/2018-08/documents/wheeler-messageontransparency-august022018.pdf>.

Conclusion

Thank you for the opportunity to address the reported allegations. EPA values NARA's guidance on this important topic and can provide further information as requested.

Sincerely,

A handwritten signature in cursive script, reading "John B. Ellis".

John B. Ellis, CRM
EPA Records Officer

Enclosure



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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January 31, 2019

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:


The National Archives and Records Administration (NARA) received your report responding to NARA's letter dated July 10, 2018 (attached) in response to an allegation of unauthorized disposition of U.S. Environmental Protection Agency (EPA) records. This case was based on information in a news article published by CNN on July 2, 2018, which alleged that meetings and appointments on former EPA Administrator Scott Pruitt's official calendar were scrubbed, altered, or removed.

The EPA's report clarified that the "public calendar" on the EPA's web page is a calendar that is simplified for online display and is not the official calendar for the EPA Administrator. The EPA uses a Microsoft Outlook calendar account to manage the official calendar and the calendar in Outlook (the "official" calendar) is the calendar that is used to respond to Freedom of Information Act (FOIA) requests.

The EPA also provided information indicating that there is no evidence that staff members deleted meetings that actually occurred from the official calendar. The EPA acknowledges that modifications to meetings and appointments were made in order to ensure that the calendar entries contain "adequate and proper documentation" of the meetings that occurred (e.g., removing attendees who did not attend the meeting, etc.). The EPA also noted that some meetings may be documented in other records that are managed and preserved alongside the calendar records. Regarding the allegation that EPA kept "secret" calendars, the EPA conducted a review that included interviews with relevant agency staff and available information sources including the former Administrator's mobile devices. During this review, no information was identified indicating that any calendars other than the Outlook and public calendars ever existed.

Based on this information, NARA considers this allegation of unauthorized disposition to be unsubstantiated. Thank you for your cooperation. If you have any questions, please contact Karyn Skevakis, Senior Records Analyst, at 301-837-3069 or by email at karyn.skevakis@nara.gov.

Sincerely,

A handwritten signature in cursive script, reading "Laurence M. Brewer".

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

Enclosures

1. 2018-07-05_UD_EPA_UD-2018-0018_Open Letter
2. 2018-10-10_UD_EPA_UD-2018-0018_Agency Response
3. 2018-10-10_UD_EPA_UD-2018-0018_Attachment



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July 10, 2018

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:

On behalf of the National Archives and Records Administration (NARA), I am contacting you about an alleged unauthorized disposition of U.S. Environmental Protection Agency (EPA) records, based on a news article published by CNN on July 2, 2018 (see attachment). The news article stated that meetings and appointments on former EPA Administrator Scott Pruitt's official calendar were scrubbed, altered, or removed. The CNN article follows a May 11, 2018 article in *The New York Times*, "Pruitt's Dinner with Cardinal Accused of Abuse Was Kept Off Public Schedule," as well as a September 26, 2017 letter from the EPA to the Environmental Integrity Project, concerning "Freedom of Information Act Request No. EPA-HQ-2017-007486, Environmental Integrity Project v. EPA, Case No. 1-17-cv-1203 (D.D.C.)," which discussed issues concerning Mr. Pruitt's calendar.

In accordance with 36 CFR 1230.16(b), NARA is requesting that EPA provide us with a response within 30 calendar days indicating the specific actions EPA will take to address these allegations. If EPA determines that an unauthorized disposition has occurred, then EPA must submit a report to NARA, as described in 36 CFR 1230.14, which should address whether specific records can be recovered, recreated, or duplicated from other sources and the steps EPA will take to mitigate future unauthorized alterations or deletions of EPA records.

Thank you for your cooperation. If you have any questions, please contact Karyn Skevakis, Senior Records Analyst, at 301-837-3069 or by email at karyn.skevakis@nara.gov.

Sincerely,

A handwritten signature in cursive script, reading "Laurence S. Brewer".

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

Enclosure
CNN Article.pdf

Message

From: Laurence Brewer [laurence.brewer@nara.gov]
Sent: 1/29/2019 3:34:34 PM
To: Ellis, John [Ellis.john@epa.gov]
Subject: Fwd: CREW v. EPA, failure to create records FRA case - Dismissed
Attachments: Opinion Granting Motion to Dismiss 1.1.19.pdf

Ex. 5 Attorney Client (AC)

----- Forwarded message -----

From: GaryM Stern <garym.stern@nara.gov>
Date: Mon, Jan 28, 2019 at 5:00 PM
Subject: Re: CREW v. EPA, failure to create records FRA case - Dismissed
To: David Ferriero <david.ferriero@nara.gov>, Wall, Debra <debra.wall@nara.gov>, Bosanko, William <william.bosanko@nara.gov>, Hamilton, John <john.hamilton@nara.gov>, John Valceanu <john.valceanu@nara.gov>, James Pritchett <james.pritchett@nara.gov>, Laurence Brewer <Laurence.Brewer@nara.gov>, Jay Trainer <Jay.Trainer@nara.gov>, Margaret Hawkins <Margaret.Hawkins@nara.gov>
Cc: Jeannette Wise <jeannette.wise@nara.gov>, Hannah Bergman <Hannah.Bergman@nara.gov>

Ex. 5 Attorney Client (AC)

Gary M. Stern
General Counsel
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740
301-837-3026 (office)
301-837-0293 (fax)
garym.stern@nara.gov



Ex. 5 Attorney Client (AC)

Gary M. Stern
General Counsel
National Archives and Records Administration
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College Park, MD 20740
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garym.stern@nara.gov



----- Forwarded message -----

From: **Myers, Steven A. (CIV)** <Steven.A.Myers@usdoj.gov>

Date: Tue, Mar 20, 2018 at 4:41 PM

Subject: CREW v. Trump - Disappearing Apps Case - Dismissed

To: GaryM Stern <garym.stern@nara.gov>, Jeannette Wise <jeannette.wise@nara.gov>, Hannah Bergman <hannah.bergman@nara.gov>

Cc: "Griffiths, John (CIV)" <John.Griffiths@usdoj.gov>, "Shapiro, Elizabeth (CIV)" <Elizabeth.Shapiro@usdoj.gov>

Ex. 5 Attorney Client (AC)

Steven A. Myers

Trial Attorney

Federal Programs Branch

U.S. Department of Justice, Civil Division

20 Massachusetts Avenue NW Washington, DC 20530

Tel: (202) 305-8648 Fax: (202) 616-8460

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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: (301) 974-4582

Blog: [Records Express](#)





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Sent Via Email. No Hard Copy to Follow.

October 31, 2018

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:

The National Archives and Records Administration (NARA) was alerted to an allegation of unauthorized disposition of U.S. Environmental Protection Agency (EPA) records from a news article published by Bloomberg Government on February 14, 2017. The news article referenced a letter from the House Committee on Science, Space, and Technology, alleging that:

“... career officials at the EPA are aiming to spread their goals covertly to avoid federal records requirements, while also aiming to circumvent the government’s ability to monitor their communications.”

In your March 24, 2017 letter, NARA was made aware that in early February 2017, in response to a February 2, 2017 Washington Times article, the EPA Office of Inspector General (OIG) commenced a review into whether EPA employees were using unauthorized encryption applications on their EPA-issued mobile devices for EPA business and not maintaining official EPA records, and that EPA would provide NARA a final report regarding these allegations once the OIG investigation was completed.

NARA received your final report on October 10, 2018, and this report noted that the EPA OIG concluded that no evidence was found to support the allegation that the Signal and WhatsApp apps were being used by EPA employees on their EPA-issued mobile devices to purposely circumvent the applicable federal record retention rules.

Additionally, the report indicated that EPA issued a memorandum outlining EPA policy regarding EPA-issued mobile devices. This memorandum explained that Government-Furnished Mobile Device users are only authorized to download applications (or "apps") that appear in the Agency's Mobile Application Catalog. The Memorandum also explained that users should only access EPA-approved apps through the "App Catalog" icon on users' Government Furnished Mobile Devices.

Finally, the report states that in June 2018, EPA completed its process of enrolling all agency mobile devices into the Device Enrollment Program, ensuring that all Agency employees no longer have the ability to download apps that are not in the authorized app catalog on an EPA-issued device.

NARA finds that the final report and all actions pertaining to this allegation not only satisfies all 36 CFR 1230.14 reporting requirements, but also indicates that this allegation was unfounded. Therefore, NARA considers this case closed.

Thank you for your cooperation. If you have any further concerns regarding this matter, please contact Andréa Noel, Senior Records Analyst, at 301-837-3564 or by email at andrea.noel@nara.gov.

Sincerely,

A handwritten signature in cursive script, reading "Laurence M. Brewer".

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



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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Sent Via Email. No Hard Copy to Follow.

January 31, 2019

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:


The National Archives and Records Administration (NARA) received your report responding to NARA's letter dated July 10, 2018 (attached) in response to an allegation of unauthorized disposition of U.S. Environmental Protection Agency (EPA) records. This case was based on information in a news article published by CNN on July 2, 2018, which alleged that meetings and appointments on former EPA Administrator Scott Pruitt's official calendar were scrubbed, altered, or removed.

The EPA's report clarified that the "public calendar" on the EPA's web page is a calendar that is simplified for online display and is not the official calendar for the EPA Administrator. The EPA uses a Microsoft Outlook calendar account to manage the official calendar and the calendar in Outlook (the "official" calendar) is the calendar that is used to respond to Freedom of Information Act (FOIA) requests.

The EPA also provided information indicating that there is no evidence that staff members deleted meetings that actually occurred from the official calendar. The EPA acknowledges that modifications to meetings and appointments were made in order to ensure that the calendar entries contain "adequate and proper documentation" of the meetings that occurred (e.g., removing attendees who did not attend the meeting, etc.). The EPA also noted that some meetings may be documented in other records that are managed and preserved alongside the calendar records. Regarding the allegation that EPA kept "secret" calendars, the EPA conducted a review that included interviews with relevant agency staff and available information sources including the former Administrator's mobile devices. During this review, no information was identified indicating that any calendars other than the Outlook and public calendars ever existed.

Based on this information, NARA considers this allegation of unauthorized disposition to be unsubstantiated. Thank you for your cooperation. If you have any questions, please contact Karyn Skevakis, Senior Records Analyst, at 301-837-3069 or by email at karyn.skevakis@nara.gov.

Sincerely,

A handwritten signature in cursive script, reading "Laurence M. Brewer".

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

Enclosures

1. 2018-07-05_UD_EPA_UD-2018-0018_Open Letter
2. 2018-10-10_UD_EPA_UD-2018-0018_Agency Response
3. 2018-10-10_UD_EPA_UD-2018-0018_Attachment



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

Sent Via Email. No Hard Copy to Follow.

July 10, 2018

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:

On behalf of the National Archives and Records Administration (NARA), I am contacting you about an alleged unauthorized disposition of U.S. Environmental Protection Agency (EPA) records, based on a news article published by CNN on July 2, 2018 (see attachment). The news article stated that meetings and appointments on former EPA Administrator Scott Pruitt's official calendar were scrubbed, altered, or removed. The CNN article follows a May 11, 2018 article in *The New York Times*, "Pruitt's Dinner with Cardinal Accused of Abuse Was Kept Off Public Schedule," as well as a September 26, 2017 letter from the EPA to the Environmental Integrity Project, concerning "Freedom of Information Act Request No. EPA-HQ-2017-007486, Environmental Integrity Project v. EPA, Case No. I-17-cv-1203 (D.D.C.)," which discussed issues concerning Mr. Pruitt's calendar.

In accordance with 36 CFR 1230.16(b), NARA is requesting that EPA provide us with a response within 30 calendar days indicating the specific actions EPA will take to address these allegations. If EPA determines that an unauthorized disposition has occurred, then EPA must submit a report to NARA, as described in 36 CFR 1230.14, which should address whether specific records can be recovered, recreated, or duplicated from other sources and the steps EPA will take to mitigate future unauthorized alterations or deletions of EPA records.

Thank you for your cooperation. If you have any questions, please contact Karyn Skevakis, Senior Records Analyst, at 301-837-3069 or by email at karyn.skevakis@nara.gov.

Sincerely,

A handwritten signature in cursive script, reading "Laurence S. Brewer".

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

Enclosure
CNN Article.pdf



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

Sent Via Email. No Hard Copy to Follow.

October 31, 2018

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:

The National Archives and Records Administration (NARA) was alerted to an allegation of unauthorized disposition of U.S. Environmental Protection Agency (EPA) records from a news article published by Bloomberg Government on February 14, 2017. The news article referenced a letter from the House Committee on Science, Space, and Technology, alleging that:

“... career officials at the EPA are aiming to spread their goals covertly to avoid federal records requirements, while also aiming to circumvent the government’s ability to monitor their communications.”

In your March 24, 2017 letter, NARA was made aware that in early February 2017, in response to a February 2, 2017 Washington Times article, the EPA Office of Inspector General (OIG) commenced a review into whether EPA employees were using unauthorized encryption applications on their EPA-issued mobile devices for EPA business and not maintaining official EPA records, and that EPA would provide NARA a final report regarding these allegations once the OIG investigation was completed.

NARA received your final report on October 10, 2018, and this report noted that the EPA OIG concluded that no evidence was found to support the allegation that the Signal and WhatsApp apps were being used by EPA employees on their EPA-issued mobile devices to purposely circumvent the applicable federal record retention rules.

Additionally, the report indicated that EPA issued a memorandum outlining EPA policy regarding EPA-issued mobile devices. This memorandum explained that Government-Furnished Mobile Device users are only authorized to download applications (or "apps") that appear in the Agency's Mobile Application Catalog. The Memorandum also explained that users should only access EPA-approved apps through the "App Catalog" icon on users' Government Furnished Mobile Devices.

Finally, the report states that in June 2018, EPA completed its process of enrolling all agency mobile devices into the Device Enrollment Program, ensuring that all Agency employees no longer have the ability to download apps that are not in the authorized app catalog on an EPA-issued device.

NARA finds that the final report and all actions pertaining to this allegation not only satisfies all 36 CFR 1230.14 reporting requirements, but also indicates that this allegation was unfounded. Therefore, NARA considers this case closed.

Thank you for your cooperation. If you have any further concerns regarding this matter, please contact Andréa Noel, Senior Records Analyst, at 301-837-3564 or by email at andrea.noel@nara.gov.

Sincerely,

A handwritten signature in cursive script, reading "Laurence M. Brewer".

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL
INFORMATION

October 10, 2018

Mr. 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:

This is the United States Environmental Protection Agency's ("EPA's") response to your letter dated February 22, 2017, regarding allegations raised in a February 14, 2017 article published by Bloomberg Government, that EPA employees were using encrypted messaging applications to avoid federal records requirements. In early February 2017, in response to a February 2, 2017 Washington Times article, the EPA Office of Inspector General ("OIG") commenced a review into whether EPA employees were using unauthorized encryption applications on their EPA-issued mobile devices for EPA business and not maintaining official EPA records. The OIG's investigations focused on alleged EPA employee use of the encrypted messaging applications (or "apps") Signal and WhatsApp. On March 24, 2017, EPA informed you of the OIG investigations and indicated that it would respond to your letter after the investigations were complete.

Further, on April 10, 2018, EPA received a letter from Ryan Mulvey, Counsel for the Cause of Action Institute, on which David Ferriero, Archivist of the United States, and Laurence Brewer, Chief Records Officer of the United States, were copied. That letter referred to a document that EPA had released under the Freedom of Information Act which identified 16 other applications with electronic messaging capabilities that had been downloaded to EPA-issued mobile devices. The document referenced in the Cause of Action letter also mentioned web-based email applications on Agency-issued mobile devices. The Agency committed to addressing the above-noted allegations in a single response, which we provide today.

EPA takes compliance with the requirements of the Federal Records Act ("FRA") very seriously. The OIG completed its investigations and found no evidence to support the allegation that EPA employees were using Signal or WhatsApp on their EPA-issued mobile devices to purposely circumvent federal record retention requirements. After a careful review, EPA has concluded that there is no indication that use of any of the identified apps or web-based email applications for EPA business resulted in a loss of federal records. In addition, as explained further below, with two limited exceptions, EPA employees can no longer download unauthorized apps onto Agency-furnished mobile devices, and any device previously containing such apps have been replaced with devices that are enrolled in the Apple Device Enrollment Program. Under that program, employees can only download apps approved by EPA for use.

The following provides an overview of the relevant EPA policies, describes the results of the Agency's and OIG's investigations, and explains the safeguards EPA has implemented to ensure that only EPA-approved mobile applications can be downloaded to an EPA-issued mobile device.

Relevant EPA Policies

EPA's Office of Environmental Information ("OEI") is tasked with managing mobile devices used by agency employees. OEI is also responsible for establishing policies, procedures and guidance regarding federal records and the appropriate use of agency-furnished mobile devices.

EPA's Interim Records Policy provides that:

Official Agency business should first and foremost be done on official EPA information systems. The [Federal Records Act] FRA now prohibits the creation or sending of a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either: (1) copies their EPA email account at the time of initial creation or transmission of the record, or (2) forwards a complete copy of the record to their EPA email account within 20 days of the original creation or transmission of the record. These FRA requirements are designed to ensure that any use of a non-EPA information system does not affect the preservation of federal records for FRA purposes, or the ability to identify and process those records if requested under the Freedom of Information Act (FOIA), Privacy Act or for other official business (e.g., litigation, congressional oversight requests, etc.). EPA strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving Agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending.¹

See Exhibit A at 4.

On June 29, 2016, EPA issued a memorandum to all Agency Senior Information Officers regarding the new mobile application approval process for EPA-issued mobile devices. In the memorandum, EPA explained that it was implementing a new Mobile Application Approval Process for the review and approval of mobile applications for Agency use on EPA-issued devices. The memorandum also provided that EPA mobile device users are only authorized to download applications that appear in the Agency's Mobile Application Catalog. Further, the memorandum explained that the "App Catalog" appears as an icon on EPA-issued devices and contains only those mobile applications that have been approved for use by the Mobile Application Approval Committee and, as such, can be used by Agency employees. See Exhibit B.

For mobile devices, EPA requires that any employee receiving, exchanging, or returning a mobile device must sign an "Employee Mobile Device Acknowledgement Form." See Exhibit C. This form has been in use since November of 2016. Before receiving a mobile device, each employee must sign the form and acknowledge his/her responsibility to comply with all record retention obligations, including,

¹ The Agency issued its Interim Records Management Policy on August 22, 2018, but the provisions detailed above are not new; rather, they were included in the Agency's February 2015 final records policy and are consistent with the 2014 Amendments to the Federal Records Act.

but not limited to, the Federal Records Act, the Agency's Records Policy, and the Freedom of Information Act. The Mobile Device Acknowledgment form expressly states that the employee must preserve agency records transmitted or stored on the device. In signing the form upon receipt of an EPA-issued mobile device, the employee certifies that he/she will comply with all relevant recordkeeping requirements and preserve federal records stored on the phone. Further, prior to exchanging or returning a mobile device, employees must properly manage all records located on the mobile device, and they must attest on the Mobile Device Acknowledgment Form to the fact that they have met their obligation to preserve such records.² Finally, the Mobile Device Acknowledgment Form explains that records on the device may be preserved by forwarding them to your EPA email account. The form also provides links to Agency guidance, including guidance on how to save text messages to your EPA email account.

Results of the investigations

As mentioned above, the EPA OIG opened its investigations to determine if EPA employees were using the Signal and WhatsApp apps on their EPA-issued mobile devices for EPA business and not maintaining official EPA records. Upon completion of its investigations, the EPA OIG issued its final reports, concluding that no evidence was found to support the allegation that the Signal and WhatsApp apps were being used by EPA employees on their EPA-issued mobile devices to purposely circumvent the applicable federal record retention rules.

Upon a complete review of the information provided to OEI through its own inquiries and information obtained from the OIG, for the reasons discussed below, EPA has concluded that no federal records were lost or alienated as a result of the use of the Signal and WhatsApp apps by EPA employees. EPA reached this conclusion by reviewing the documentation associated with the OIG's Reports and conducting its own follow-up analysis. At OIG's request, in early February 2017, OEI ran a report identifying information as to which apps were located on EPA-issued mobile devices. That report indicated that two employees had the Signal app on their government-issued mobile device. One of the employees stated that he had no knowledge of the app on his phone, and when the OIG reviewed the device, the app was not located. The employee further denied having downloaded the app and stated that he had no knowledge of the app and had not used the app. The second employee was an OIG employee who downloaded the Signal app to determine if there was a suitable law enforcement purpose for the application. This employee had deleted the application on his device several months prior to his interview with the OIG and stated that he conducted no official EPA business with the Signal application.

As to the WhatsApp app, the OIG identified that 58 employees had this app on their EPA-issued mobile devices. The OIG's report concludes that only two employees conducted EPA business using WhatsApp.³ The two employees explained to OIG that they used the app for the routine scheduling of

² The form specifically requires employees to attest to the following: "I hereby attest that, I have met my obligation to preserve agency records transmitted or stored on this device in the course of official agency business that may be subject to preservation or production requirements under the Federal Records Act, the Privacy Act, the Freedom of Information Act, litigation holds, or court preservation orders. By signing below, I attest that all such records have been preserved on EPA systems in a manner consistent with EPA guidance and are not solely preserved on this mobile device." The form also provides that any "[k]nowing or willful misrepresentation with respect to" any matters on the form "may subject you to administrative, civil or criminal penalties."

³ In addition to the two employees noted in the OIG report, OEI notes that upon review of the underlying OIG Memorandum of Interview, a third employee appears to have also used WhatsApp for EPA official business. Similar to the other two

meetings while on international travel for work. The OIG reviewed the contents of the conversations within the WhatsApp application for these individuals and confirmed the employees' testimony that the communications were for the routine scheduling of meetings. The OIG also captured through screen shots the contents of one of the employee's messages sent using WhatsApp, and the Agency has maintained those screen shots. One of the two employees also indicated that he received a message while at an international meeting representing EPA from a foreign counterpart asking about an enforcement case, to which the EPA employee responded that he could not speak to the pending matter. This testimony was confirmed by the OIG's review of the phone and memorialized in the Memorandum of Interview for the matter. OEI reviewed the Memoranda of Interview for the employees who appeared to utilize WhatsApp for routine scheduling of EPA meetings while on international travel, and OEI's investigation revealed that there was no alienation or loss of federal records.

NARA's General Records Schedule ("GRS") 5.2, Transitory Files, permits immediate destruction of Transitory Files when they are no longer needed for business use. Such records include:

- Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply;
- Messages coordinating schedules, appointments, and events;
- Transmittal documents such as e-mail, letters, cover memos, and facsimile cover sheets that do not provide evidence of approval, concurrence, or decision-making, or include substantive comments;
- Received copies of circulated internal information such as agency instructions, notifications, circulars, newsletters, and email blasts to employees;
- Messages received from agency distribution lists or listservs;
- "To-do" or task lists and assignments

Records documenting the routine scheduling of work-related trips fall squarely within this GRS 5.2 Transitory Files category and can be disposed of immediately. Further, the single message relating to a pending enforcement case was a transitory record, as the response by the EPA official contained no substantive information. As such, the message also falls within the GRS 5.2 Transitory Files category. In summary, EPA has concluded that there is no evidence of a loss of federal records through the use of either the Signal or WhatsApp apps for EPA business on EPA-issued mobile devices.

Cause of Action Institute identifies additional apps in its April 10, 2018 letter. In early February 2017, OEI ran a report identifying information as to which apps were located on EPA-issued mobile devices. The report identified every employee whose EPA-issued mobile device had at least one of the 16 apps listed in the April 10, 2018 letter. OEI has confirmed that a completed "Employee Mobile Device Acknowledgement Form" has been received from every employee identified to have had one of the 16

employees, the third employee testified that she downloaded WhatsApp for use in coordinating and scheduling meetings while on international travel. One message was reviewed and recorded in the OIG Memorandum of Interview where the employee, on official EPA travel, used WhatsApp to notify her colleagues that she had arrived in the country safely and was headed to the embassy.

apps, except one.⁴ In signing that form, the employees attested to the fact that they had met their obligation to preserve all records that are located on the mobile device prior to returning the device. The one exception is that one employee had lost his phone (and reported it). OEI separately reached out to that employee, and the employee confirmed to OEI that he did not use any of the messaging apps to conduct Agency business. EPA has concluded that there is no evidence of a loss of federal records through the use of any of the 16 apps on EPA-issued mobile devices.⁵

The April 10, 2018 letter also referenced employees who had installed web-based email applications on their EPA-issued mobile device. As noted above, EPA's Interim Records Management Policy directly addresses the use of personal email accounts and provides that an individual creating or sending a federal record from a non-EPA electronic messaging system, such as a personal email account, must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending. There is nothing in the record to suggest that any records saved or transmitted on a web-based email application have not been preserved consistent with EPA's records policy.

Based on the foregoing, EPA has concluded that there is no indication that use for EPA business of any of the apps or web-based email applications by Agency employees resulted in a loss of federal records.

Continuing Actions and Improvements

The Agency has taken a number of steps over the last three years to ensure that agency employees can only download apps approved by the Agency. Many of the steps described below were planned and in progress prior to the receipt of NARA's February 22, 2017 letter and the April 10, 2018 Cause of Action Institute letter.

As noted above, in June 2016, EPA issued a memorandum to all Agency Senior Information Officers regarding the mobile application approval process for government-issued mobile devices. That memorandum explained that Government-Furnished Mobile Device users are only authorized to download applications (or "apps") that appear in the Agency's Mobile Application Catalog. The Memorandum also explained that users should only access EPA-approved apps through the "App Catalog" icon on users' Government Furnished Mobile Devices.

In the fall of 2016, OEI began enrolling mobile devices in the Apple Device Enrollment Program ("DEP"). The Apple DEP is a tool that helps organizations deploy and configure Apple devices. Initially, the DEP policy still included the Apple Store, which is what allowed individuals to download the unauthorized apps. The OIG found that some individuals incorrectly assumed that if they could download an app from the Apple store, it was an approved EPA app. In June 2017, OEI instituted a new policy to disable and hide the Apple Store in mobile devices already enrolled in DEP. However, at that time only a few hundred devices out of approximately 4,400 devices were enrolled in DEP.

⁴ As noted below, EPA recently completed a re-refresh of its Agency-issued mobile devices to enroll devices in the Agency's Device Enrollment Program. As part of that process, employees had to return their prior device and sign the Employee Mobile Device Acknowledgment form.

⁵ In its review, OIG did identify technical violations of EPA's policy, which provides that only EPA-approved apps should be used on EPA-issued devices. Several employees explained to OIG that they were not aware of EPA's policy on mobile applications, and some thought that if they could download an app, it must be one that EPA approved. As explained below, in the section on Continuing Actions and Improvements, with limited exceptions for On-Scene Coordinators and certain testing personnel, EPA employees can no longer download any app to their EPA-issued device unless it has been approved for use by the Agency.

In June 2018, EPA completed its process of enrolling all agency mobile devices into DEP. Accordingly, Agency employees no longer have the ability to download apps that are not in the authorized app catalog. The only exceptions are:

- Testing and evaluation personnel: personnel who test apps for possible future use.
- On-Scene Coordinators: emergency-response personnel who require flexibilities on mobile devices to work with others during emergencies.

The Agency will be issuing guidance to On-Scene Coordinators and personnel who test and evaluate potential new apps to ensure that they understand the requirements for app usage. Should you have any questions, please contact me by email at ellis.john@epa.gov or telephone at (202) 566-1643.

Sincerely



John B. Ellis, CRM
EPA Records Officer

cc: Kevin Miller, EPA Office of General Counsel

Message

From: Ellis, John [Ellis.john@epa.gov]
Sent: 12/12/2019 10:34:17 PM
To: Andrea Noel [andrea.noel@nara.gov]
CC: Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Wells, Jeffrey [Wells.jeffrey@epa.gov]; Johnston, Robert [Johnston.Robert@epa.gov]; Henderson, Austin [Henderson.Austin@epa.gov]; Gonder, Sharon [Gonder.Sharon@epa.gov]; Alvarado, David [alvarado.david@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: Unauthorized Disposition Case UD-2020-0013
Attachments: 2019-11-14_UD-2020-0013_EPA_Open letter.pdf; EPA_UD-2020-0013 Response Letter2019-12-12-174515.pdf; Response to NARA Letter of July 10 2018 2018-10-10-160524 (003).pdf

Hello Andrea,

Attached is EPA's Response Letter and enclosure to Laurence Brewer's 11/14/19 Letter, Case No. EPA_UD-2020-0013.

Please let me know if you have any questions.

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: Andrea Noel <andrea.noel@nara.gov>
Sent: Tuesday, November 19, 2019 11:36 AM
To: Ellis, John <Ellis.john@epa.gov>
Subject: Re: Unauthorized Disposition Case UD-2019-0013

John,

I'm sorry, the case number is incorrect. The case number reads UD-2019-0013, that's incorrect. It should be UD-2020-0013. I am sending the case letter again with the correct case number in the file name. Sorry for the oversight, still switching gears for the new FY. I hope you enjoy your time off.

Thanks,

Andrea A. Noel
 Senior Records Analyst
 Records Management Oversight and Reporting Division
 National Archives and Records Administration
 Tel: (301) 837-3564
 Mb: (301) 580-9374

On Tue, Nov 19, 2019 at 10:52 AM Ellis, John <Ellis.john@epa.gov> wrote:

Hello Andrea,

I'm on leave this week and next but in checking emails I noticed your message about the subject Case UD-2019-0013. Is NARA requesting a response within 30 days of the date of the letter (11/14) or within 30 days of the date it was sent to EPA (11/18)? The four days will make a big difference.

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: Andrea Noel <andrea.noel@nara.gov>
Sent: Monday, November 18, 2019 12:50 PM
To: Ellis, John <Ellis.john@epa.gov>
Subject: Unauthorized Disposition Case UD-2019-0013

Good afternoon John,

Please see the attached correspondence from Laurence Brewer, Chief Records Officer of the United States Government. Let me know if you have any questions or concerns.

Thanks,

Andrea A. Noel

Senior Records Analyst

Records Management Oversight and Reporting Division

National Archives and Records Administration

Tel: (301) 837-3564

Mb: (301) 580-9374



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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November 14, 2019

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis:

The National Archives and Records Administration (NARA) was made aware of allegations of unlawful destruction of agency records by Chief of Staff Ryan Jackson in a Politico article published on November 7, 2019.

The article reports that, "The Environmental Protection Agency's inspector general is investigating whether Chief of Staff Ryan Jackson was involved in destroying internal documents that should have been retained..."

If federal records are being unlawfully destroyed without proper authorization from NARA, such activity must cease immediately, and as required in 36 CFR 1230.14, EPA must promptly report to NARA any unauthorized disposition of agency records.

In accordance with 36 CFR 1230.16(b), please provide us with a response within 30 calendar days that includes a complete description of the records (including an approximation of the volume and dates of all destroyed records); a statement of what safeguards have been put into place (or will be put into place) to prevent any future unauthorized disposition or unlawful destruction of agency records; exact details of the circumstances surrounding any unauthorized disposition of agency records; and an outline of any actions taken to retrieve or recreate the records.

If you have any questions about this allegation or the agency requirements under the CFR, please contact me at Laurence.Brewer@nara.gov or at (301) 837-1539.

Sincerely,

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