Message

From: Silverman, Steven [Silverman.Steven@epa.gov]
Sent: 2/3/2024 7:52:46 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: RTC 10 - ABT, Classes - List of revisions

Hi Ryland. I believe I have made the edits, all of which are substantial improvements. (see also notes on each item below). A few more things:

- Your edits are constructive, and a distinct improvement. I am grateful. I was slow on the uptake about some of them because I got out of touch with this material. I am barely remembering what I wrote a few days back, and this section dates back to early October.
- My new material is in bold in the SHarepoint version because I couldn't access a distinct color

Ex. 5 AC/DP

- One personal thing. I had asked to be included in the OGC meetings on the two rules. I asked partly to avoid getting our respective wires crossed. But also, with everyone teleworking, I have limited opportunities to see, and interact with, my OGC friends and colleagues and those meetings would help fill that personal gap. I throughly enjoyed seeing everyone on our joint call Thursday, and, not to be maudlin, it brought home to me how much I miss seeing folks.
- I'm also going to send a progress report to the others of the group absent this personal note

---

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, February 1, 2024 2:42 PM
To: Silverman, Steven <Silverman.Steven@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RTC 10 - ABT, Classes - List of revisions

FYI I finished my tasks and crossed them off the list. Steve, I think everything remaining is yours except for the time-bar bullet marked for Andrea.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Li, Ryland (Shengzhi) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7CF0EAC9D34B446F88E03F8EC48274F1-LI, SHENGZH]
Sent: 2/7/2024 2:27:08 AM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: FW: resource adequacy TSD - next steps
Attachments: Resource Adequacy TSDDraft2 - Clean.docx; RA TSD check in

It looks like you're going to get a more complete file tomorrow, but I had looked at an earlier version of the attached before I left, and it seemed to be trending in a positive direction. Notably, **Ex. 5 AC/DP** Brian F also put a check in on this for tomorrow, and I told him I was not going to attend and suggested a meeting on Fri or later. I'm not asking you to prioritize this ahead of other work this week as I think probably the most logical thing is for me to come back on Fri to keep pushing this forward, but just wanted to share FYA.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>
Sent: Tuesday, February 6, 2024 3:41 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; McFarland, James <McFarland.James@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: RE: resource adequacy TSD - next steps

Please disregard my previous email. Unfortunately, there are two versions of this same document on SharePoint, and people have been editing and commenting in both versions since the second copy was created sometime within the last few days. Brian is on leave today but will be back tomorrow, at which point he will reconsolidate the two versions into a single SharePoint version that he will recirculate to this email thread, so that everyone will at that point have the latest version.

Jeb

From: Stenhouse, Jeb
Sent: Tuesday, February 6, 2024 2:55 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; McFarland, James <McFarland.James@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>

Cc: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; McDonald, Joseph (he/him/his) <mcdonald.joseph@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: RE: resource adequacy TSD - next steps

Rona asked me to recirculate the current draft (live on Sharepoint) of the resource adequacy TSD for the OTAQ rules. My understanding as of yesterday from Brian Fisher is that Ryland & co. reviewed this document sometime last week but may not have seen the latest changes.

Jeb

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Monday, January 29, 2024 6:26 AM
To: Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; McFarland, James <McFarland.James@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: RE: resource adequacy TSD - next steps

Dear all –

Just one point on the timeline. Ryland's not indicated the end of February as signature dates. That was accurate last summer, but since this past fall we have been working towards these dates:

- Heavy Duty Phase 3 rule, OMB review completed on Thursday, March 7
- Light & Medium Duty Vehicle rule, OMB review completed on Monday, March 11
- Signature for both rules potentially later in the week of March 11

Thanks
Bill

From: Birnbaum, Rona <Birnbaum.Rona@epa.gov>
Sent: Friday, January 26, 2024 5:18 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; McFarland, James <McFarland.James@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Charmley, William (he/him/his) <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: RE: resource adequacy TSD - next steps

hi Ryland, thanks for the note. A couple thoughts (and this is just me, as I didn't get input from the staff who really are the experts) for over the weekend and we look forward to talking on Monday!

Ex. 5 AC/DP

have a good weekend, Rona

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, January 26, 2024 4:05 PM
To: Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; McFarland, James <McFarland.James@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Charmley, William (he/him/his) <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: RE: resource adequacy TSD - next steps

Thanks so much for scheduling this Rona and for continuing to work together on this critical issue. To help us have an efficient conversation, below are a few points that summarize ARLO's asks regarding this TSD. I've also included a prior email exchange for reference.

Ex. 5 AC/DP

We need a revised draft of the TSD as soon as possible, so that we can meet the 2/2 deadline, or at minimum, the 2/9 deadline.

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, January 16, 2024 5:05 PM
To: Fawcett, Allen <Fawcett.Allen@epa.gov>; McFarland, James <McFarland.James@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Adamantiades, Mikhail <Adamantiades.Mikhail@epa.gov>; Grumet, Stephanie <Grumet.Stephanie@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Culligan, Kevin <Culligan.Kevin@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Draft EPA assessment of resource adequacy for the EPA Light & Medium Duty Vehicle Rule and the Heavy-duty GHG Phase 3 final rules

Thank you, Bill, for sharing this, and to our colleagues in OAP, OTAQ, and OAQPS for all your work on this. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP Recognizing that we may also share more specific input on the document later on, we want to begin by identifying some bigger picture questions. Some of these (especially under item A) overlap with OP comments on the light-duty preamble's discussion of this TSD.

We would appreciate answers to the below by **Mon. Jan. 22**; if you need more time, please let us know. If it would be helpful, we would also welcome the opportunity for a small group call to discuss these. Finally, we recommend **sharing the next draft of the TSD with Susannah and Tomas** so that we can this on track. Thank you for considering our input and for all your help with this important issue.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

-----Original Appointment-----
From: Birnbaum, Rona <Birnbaum.Rona@epa.gov>
Sent: Friday, January 26, 2024 3:47 PM
To: Stenhouse, Jeb; Fisher, Brian; Lalani, Imran; McFarland, James; Li, Ryland (Shengzhi); Hoffman, Howard; Srinivasan, Gautam
Cc: Charmley, William (he/him/his); Orlin, David; Carrillo, Andrea; Durch, Kyle; Garfinkle, Stacey; Jung, Zoltan; McDonald, Joseph (he/him/his); Moran, Robin
Subject: resource adequacy TSD - next steps
When: Monday, January 29, 2024 2:00 PM-2:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

There have been several productive follow-on discussions. We will review the outcome of those conversations, obtain further clarity as needed and agree on a path forward to get to closure on the TSD. (Smaller one-on-one discussions may also follow.) Thanks and have a nice weekend.

Microsoft Teams meeting

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Passcode: q6w5qt
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sip:teams@video.epa.gov
Video Conference ID: 119 238 656 7
Alternate VTC instructions

Or call in (audio only)
+1 202-991-0477,,119745081# United States, Washington DC
Phone Conference ID: 119 745 081#
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This meeting may be recorded. If the meeting is recorded, it will be announced via a banner showing "this meeting is being recorded." Participation in a recorded meeting will be deemed as consent to be recorded. Meeting recordings may be official agency records subject to appropriate policy, rules and regulations.

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Message

From: Simon, Karl [Simon.Karl@epa.gov]
Sent: 2/9/2024 2:30:30 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: RSC Distribution: February 2024 Tiering List Responses Due COB Fri Feb 16

I agree with your take. thanks

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, February 9, 2024 7:44 AM
To: Simon, Karl <Simon.Karl@epa.gov>
Subject: FW: RSC Distribution: February 2024 Tiering List Responses Due COB Fri Feb 16
Importance: High

Hi Karl – The OGC RSC representative asked me about ARLO staffing for the DERA report to Congress. Since this report focuses on appropriations, I do not think ARLO needs to staff it. If you feel differently, please let me know. Thanks!

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Kataoka, Mark <Kataoka.Mark@epa.gov>
Sent: Wednesday, February 7, 2024 4:53 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RSC Distribution: February 2024 Tiering List Responses Due COB Fri Feb 16
Importance: High

I'm forwarding to (in order of the 5 actions below):
- Ryland and Melina for ARLO
- Erin for SWERLO
- Wendel for CRFLO
- Carrie for WLO

Please further forward as needed and enter/update your workgroup members, if any, in the linked SharePoint tiering list **by COB Fri Feb 16.**

FEB24 EAMS Tiering List.docx

Reminder: technically, we are not obligated by the ADP to staff Tier 3 workgroups.

Mark Kataoka
Assistant General Counsel
Regulatory Issues Practice Group
EPA OGC CCILO
202-564-5584

From: Adams, Darryl <Adams.Darryl@epa.gov>
Sent: Wednesday, February 7, 2024 4:21 PM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>; OCSPP Tiering <OCSPP_Tiering@epa.gov>
Cc: Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: EAMS - RSC Tiering List Distribution: February 2024 Tiering List with Word attachment
Importance: High

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Askew, Wendel [Askew.Wendel@epa.gov]
Sent: 2/9/2024 2:41:37 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: RE: RSC Distribution: February 2024 Tiering List Responses Due COB Fri Feb 16

Confirming that DERA is CRFLO in addition to the OMS reg revisions.

Wendel J. Askew
Assistant General Counsel for Financial Assistance Law
Office of General Counsel
US Environmental Protection Agency
Mail Code 2399A
202-564-3987
7454H WJCN

Attorney-Client Privileged; Pre-Decisional/Deliberative:
For Internal EPA Use Only/Do Not Share Outside EPA

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, February 9, 2024 7:43 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>
Subject: RE: RSC Distribution: February 2024 Tiering List Responses Due COB Fri Feb 16

Hi Mark (and copying Wendel), The DERA report appears to be focused on appropriations, so I think ARLO does not need to staff it.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Kataoka, Mark <Kataoka.Mark@epa.gov>
Sent: Wednesday, February 7, 2024 4:53 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Askew, Wendel <Askew.Wendel@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RSC Distribution: February 2024 Tiering List Responses Due COB Fri Feb 16
Importance: High

I'm forwarding to (in order of the 5 actions below):
- Ryland and Melina for ARLO
- Erin for SWERLO
- Wendel for CRFLO
- Carrie for WLO

Please further forward as needed and enter/update your workgroup members, if any, in the linked SharePoint tiering list **by COB Fri Feb 16.**

FEB24 EAMS Tiering List.docx

Reminder: technically, we are not obligated by the ADP to staff Tier 3 workgroups.

Mark Kataoka
Assistant General Counsel
Regulatory Issues Practice Group
EPA OGC CCILO
202-564-5584

From: Adams, Darryl <Adams.Darryl@epa.gov>
Sent: Wednesday, February 7, 2024 4:21 PM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>; OCSPP Tiering <OCSPP_Tiering@epa.gov>
Cc: Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: EAMS - RSC Tiering List Distribution: February 2024 Tiering List with Word attachment
Importance: High

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 2/12/2024 8:06:26 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Reg review - vehicle rules check-in

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, February 12, 2024 3:05 PM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: Reg review - vehicle rules check-in

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 1/31/2024 1:57:49 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: ES revisions

fyi

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Safoutin, Mike <safoutin.mike@epa.gov>
Sent: Tuesday, January 30, 2024 8:54 PM
To: Moran, Robin <moran.robin@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: ES revisions

Bill and David,

Ex. 5 AC/DP

01_LMDV_FRM_PI_ES.docx See I.A.2

04_LMDV_FRM_PIV_tech assessment.docx See IV.C.1

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, January 30, 2024 7:39 PM
To: Safoutin, Mike <safoutin.mike@epa.gov>
Subject: RE: ES revisions

Ex. 5 AC/DP

See what you think, then when you're good, could you send a note to Bill and David to let them know "its done"? thanks!

Robin

From: Safoutin, Mike <safoutin.mike@epa.gov>
Sent: Tuesday, January 30, 2024 6:25 PM
To: Moran, Robin <moran.robin@epa.gov>
Subject: RE: ES revisions

You can take a look at IV.C.1 now. Maybe a little rough but generally hangs together.

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, January 30, 2024 3:42 PM

To: Safoutin, Mike <safoutin.mike@epa.gov>
Subject: RE: ES revisions

Awesome, I'll take a look at ES, and just ping me when you want me to look at IV

From: Safoutin, Mike <safoutin.mike@epa.gov>
Sent: Tuesday, January 30, 2024 3:28 PM
To: Moran, Robin <moran.robin@epa.gov>
Subject: ES revisions

Robin,

Ex. 5 AC/DP

Michael J. Safoutin, Ph.D.
Mechanical Engineer
Assessment and Standards Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
2000 Traverwood Drive, Ann Arbor, MI 48105
(734) 214-4348
Safoutin.Mike@epa.gov

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 1/31/2024 2:28:34 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: Re: LD ES

Thanks to OTAQ for being responsive. I imagine Susannah will fiddle a bit more but hopefully it will be minor.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Jan 31, 2024, at 9:17 AM, Li, Ryland (Shengzhi) <Li.Ryland@epa.gov> wrote:

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Wednesday, January 31, 2024 7:35 AM
To: Safoutin, Mike <safoutin.mike@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ES revisions

Dear Mike

Ex. 5 AC/DP

I have included Ryland on this email, as he and I also spoke about this topic and the input from Deputy General Counsel Weaver.

Thanks
Bill

From: Safoutin, Mike <safoutin.mike@epa.gov>
Sent: Tuesday, January 30, 2024 8:54 PM

To: Moran, Robin <moran.robin@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: ES revisions

Bill and David,

Ex. 5 AC/DP

<image001.png>
01_LMDV_FRM_PI_ES.docx See I.A.2

<image001.png>
04_LMDV_FRM_PIV_tech assessment.docx See IV.C.1

From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, January 30, 2024 7:39 PM
To: Safoutin, Mike <safoutin.mike@epa.gov>
Subject: RE: ES revisions

Ex. 5 AC/DP

See what you think, then when you're good, could you send a note to Bill and David to let them know "its done"? thanks!

Robin

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Sent: Tuesday, January 30, 2024 6:25 PM
To: Moran, Robin <moran.robin@epa.gov>
Subject: RE: ES revisions

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From: Moran, Robin <moran.robin@epa.gov>
Sent: Tuesday, January 30, 2024 3:42 PM
To: Safoutin, Mike <safoutin.mike@epa.gov>
Subject: RE: ES revisions

Awesome, I'll take a look at ES, and just ping me when you want me to look at IV

From: Safoutin, Mike <safoutin.mike@epa.gov>
Sent: Tuesday, January 30, 2024 3:28 PM
To: Moran, Robin <moran.robin@epa.gov>
Subject: ES revisions

Robin,

Ex. 5 AC/DP

Michael J. Safoutin, Ph.D.
Mechanical Engineer
Assessment and Standards Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
2000 Traverwood Drive, Ann Arbor, MI 48105
(734) 214-4348
Safoutin.Mike@epa.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/13/2024 3:21:17 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: RE: Notes - Today's Meetings - LMD Rule

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Tuesday, February 13, 2024 9:46 AM
To: Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Notes - Today's Meetings - LMD Rule

Ex. 5 AC/DP

++++++++++++++
(202) 695-6287
he/him/his

From: Durch, Kyle <Durch.Kyle@epa.gov>
Sent: Monday, February 12, 2024 4:10 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: Notes - Today's Meetings - LMD Rule

Hi Susannah and Gautam,

Ex. 5 AC/DP

Best,

Kyle Durch (he/him)
US EPA, Office of General Counsel
(202) 564-1809

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (202) 564-1809.

****

OMB OGC - Anuj Desai

Top lines:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

DOJ – Sue Chen

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/13/2024 3:27:55 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: E.O. 12866 Review - EPA LDV (2060-AV49)
Attachments: SAN 8953_RIN 2060-AV49_LMDV 2027 Preamble_FRM 20240117_EO12866 Initiated_interagency comments.docx; SAN_8953_RIN_2060-AV49_LMDV_2027 RIA_FRM_20240117_EO12866 Initiated_interagency comments.docx

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>
Sent: Tuesday, February 13, 2024 9:38 AM
To: Moran, Robin <moran.robin@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>
Subject: FW: E.O. 12866 Review - EPA LDV (2060-AV49)

Hi all,

Good news! First round comments are in! See attached.

~Jessie Fan

From: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Sent: Tuesday, February 13, 2024 9:16 AM
To: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: E.O. 12866 Review - EPA LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Good morning,

Please find consolidated, interagency comments on the rule document and RIA attached. Ex. 5 AC/DP

Ex. 5 AC/DP

Please let me know if you have any questions on anything in the attached documents.

Thank you,

Matthew
P.S. – Thank you for sending availabilities for a discussion next week. I hope to be able to confirm a time shortly and send a calendar invite.

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget
Ex. 6 Personal Privacy (PP)

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 2/14/2024 6:12:45 PM
To: Cullen, Angela [cullen.angela@epa.gov]; Graham-Murray, Evan (he/him/his) [GrahamMurray.Evan@epa.gov]; Wang, Alex (he/him/his) [Wang.Alex@epa.gov]; Brakora, Jessica [Brakora.Jessica@epa.gov]
CC: Silverman, Steven [Silverman.Steven@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Yanca, Catherine (she/her/hers) [yanca.catherine@epa.gov]
Subject: For your review: RTC 2.4 draft response re: ACT in reference case

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/AWP/DP

Andrea Carrillo (she/her/hers)
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 603-4003

Black Lives Matter
I am an EPA LGBTQ+ Ally

Ex. 5 AC/DP

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 2/14/2024 9:06:32 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Maiolatesi, Ashley [Maiolatesi.Ashley@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: ARLO onroad agenda

Apparently Admin briefing is tomorrow (with just OAR?) and they already had to send up slides. Bill will be sending us the slides shortly as an FYI.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, February 14, 2024 3:19 PM
To: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Maiolatesi, Ashley <Maiolatesi.Ashley@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: ARLO onroad agenda

Let me know if you have additional or priority items for the agenda.

- Welcome Ashley!
  - Ice breaker question: Since we are the onroad team, what is your favorite road?
- Check ins
  - OGC retreat Mar 5-6
  - **Ex. 5 AC/DP**
  - HPD3 Administrator meeting
  - Interagency coordination on national security, labor, etc.
  - Differences between HD and LD ZEV projections (ACEEE comment)
- Ashley assignments (attachment)
  - Ensuring adequate comment responses - Identify additional sections for Ashley review
  - Harmonization sections and schedule
  - Other discrete help
- Harmonization generally
  - Discussion with OTAQ
  - OTAQ should accept all track changes in rtc prior to adding interagency comments
- Characterization of hybrids (Stacey)
  - "without ZEV"; "ICE only"; "technologies with ICE along range of electrification"
- EDF comments (attachment)
  - Ryland incorporate into HD by 2/23 passback
- Phase-out of credit multipliers for MDVs
- Key targets
  - Heavy Duty Phase 3 rule, OMB review completed on Thursday, March 7
  - Light & Medium Duty Vehicle rule, OMB review completed on Monday, March 11
  - Signature for both rules potentially later in the week of March 11

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

-----Original Appointment-----
From: Li, Ryland (Shengzhi)
Sent: Thursday, July 27, 2023 12:00 PM
To: Orlin, David; Li, Ryland (Shengzhi); Carrillo, Andrea; Garfinkle, Stacey; Durch, Kyle
Cc: Maiolatesi, Ashley; Srinivasan, Gautam
Subject: ARLO onroad
When: Thursday, February 15, 2024 12:05 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams meeting

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Or call in (audio only)
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Message

From: Weaver, Susannah [Weaver.Susannah@epa.gov]
Sent: 2/14/2024 10:41:44 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: EDF meeting

Thanks so much Ryland. I imagine my call will be similar. If you have any follow up questions you think I should ask, let me know.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, February 14, 2024 3:02 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: EDF meeting

Hi Susannah, You had asked for an update following our meeting with EDH Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP Below are my notes. David, please feel free to add/correct anything. I think you said you were meeting with Peter Zalzal tomorrow; he was also present for this meeting.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/14/2024 10:54:46 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: EDF meeting

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, February 14, 2024 5:51 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: EDF meeting

Hi Ryland. **Ex. 5 AC/DP**

++++++++++++++++
(202) 695-6287
he/him/his

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, February 14, 2024 3:02 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: EDF meeting

Hi Susannah, You had asked for an update following our meeting with EDF. **Ex. 5 AC/DP**

Ex. 5 AC/DP

Ex. 5 AC/DP Below are my notes. David, please feel free to add/correct anything. I think you said you were meeting with Peter Zalzal tomorrow; he was also present for this meeting.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 2/15/2024 10:43:10 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: EDF statutory authority comments

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, February 15, 2024 5:04 PM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: EDF statutory authority comments

CUI//PRIVILEGE

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, February 15, 2024 3:55 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey

<garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: EDF statutory authority comments

CUI//PRIVILEGE

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, February 15, 2024 3:51 PM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: EDF statutory authority comments

CUI//PRIVILEGE

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/18/2024 6:43:42 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Silverman, Steven [Silverman.Steven@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, January 31, 2024 11:11 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, January 30, 2024 6:08 PM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>
Subject: RE: First 202 rule to use averaging

Agree that is a good find!

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, January 30, 2024 6:05 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: First 202 rule to use averaging

That's good find. **Ex. 5 AC/DP**

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, January 30, 2024 6:04 PM
To: Silverman, Steven <Silverman.Steven@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: First 202 rule to use averaging

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Okoye, Winifred [Okoye.Winifred@epa.gov]
Sent: 2/20/2024 9:34:07 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: ABT under 211(c) vs 202(a)

You have to make it, Andrea! In fact, you have already made it.

And yes I am mightily confused but in any event, I am just the fuels person who has this morbid fascination with the HD world. So you are not at all bound by what I am saying as it relates to HD.

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, February 20, 2024 4:15 PM
To: Okoye, Winifred <Okoye.Winifred@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Hello, Winnie ☺ I hope you are well! I am trying to make it just a few more weeks…

Ex. 5 AC/AWP/DP

From: Okoye, Winifred <Okoye.Winifred@epa.gov>
Sent: Tuesday, February 20, 2024 4:03 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Hello Andrea,

Ex. 5 AC/AWP/DP

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, February 20, 2024 3:36 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Ex. 5 AC/AWP/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 20, 2024 3:27 PM
To: Okoye, Winifred <Okoye.Winifred@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Ex. 5 AC/AWP/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Okoye, Winifred <Okoye.Winifred@epa.gov>
Sent: Tuesday, February 20, 2024 3:02 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Hi Ryland,

Ex. 5 AC/AWP/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 20, 2024 2:45 PM
To: Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Hi Winnie, Thanks for your comments on the file. **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Excerpt:

Ex. 5 AC/AWP/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Li, Ryland (Shengzhi)
Sent: Monday, February 19, 2024 9:51 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: ABT under 211(c) vs 202(a)

Hi Winnie and Paul,

We are writing the RTC for the vehicle rules, and I wanted to ask for your help on one of the key legal issues.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels

U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | cm: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Okoye, Winifred [Okoye.Winifred@epa.gov]
Sent: 2/21/2024 1:09:19 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: Re: ABT under 211(c) vs 202(a)

Hi Ryland, I just realized that none of these emails are marked with the brand new shiny CUI or privilege. It seem some of them would be covered unless you think otherwise

---

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, February 19, 2024 9:51 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: ABT under 211(c) vs 202(a)

Hi Winnie and Paul,

We are writing the RTC for the vehicle rules, and I wanted to ask for your help on one of the key legal issues.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Li, Ryland (Shengzhi) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7CF0EAC9D34B446F88E03F8EC48274F1-LI, SHENGZH]
Sent: 2/21/2024 1:53:17 PM
To: Okoye, Winifred [Okoye.Winifred@epa.gov]
CC: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: RE: ABT under 211(c) vs 202(a)

Thanks Winnie! I appreciate your detailed comments on this, which I'm continuing to mull over.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Okoye, Winifred <Okoye.Winifred@epa.gov>
Sent: Tuesday, February 20, 2024 5:59 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: Re: ABT under 211(c) vs 202(a)

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 20, 2024 3:26 PM
To: Okoye, Winifred <Okoye.Winifred@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Okoye, Winifred <Okoye.Winifred@epa.gov>
Sent: Tuesday, February 20, 2024 3:02 PM

To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Hi Ryland,

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 20, 2024 2:45 PM
To: Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: RE: ABT under 211(c) vs 202(a)

Ex. 5 AC/DP

Excerpt:

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Li, Ryland (Shengzhi)
Sent: Monday, February 19, 2024 9:51 AM
To: Machiele, Paul <machiele.paul@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>
Subject: ABT under 211(c) vs 202(a)

Hi Winnie and Paul,

We are writing the RTC for the vehicle rules, and I wanted to ask for your help on one of the key legal issues.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460

pronouns: he/him/his

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 2/21/2024 9:49:14 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: FW: HDV RTC - Round 1 12886 Comments
Attachments: 8952 2060-AV50 HD Phase 3 FRM Response to Comments 20240202_EO12866-Round1.docx

Importance: High

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Wednesday, February 21, 2024 11:28 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>
Subject: FW: HDV RTC [redacted] 12886 Comments
Importance: High

All,

OMB sent the interagency [redacted] on the RTC—see attached. Also, as Kim noted below, an interagency reviewer has requested a 30-minute meeting. [redacted] I will look at calendars and work with Kim to find the best time.

Best,
Tuana

From: Wilson, Kimberly C. EOP/OMB [redacted]
Sent: Wednesday, February 21, 2024 11:05 AM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Oreska, Matthew P. EOP/OMB <[redacted]
Subject: HDV RTC [redacted] 12886 Comments

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Hi Tuana,

Attached are the [redacted] of interagency comments on the HDV RTC.

Also, an interagency reviewer has asked for a 30-minute call on the RTC. Some times that work are:

Monday February 26th: 10am – 3pm, 3:30pm – 5pm
Tuesday February 27th: 4pm – 5pm
Wednesday February 28th: 10am – 1pm, 2pm – 3pm
Thursday February 29th: 1:30pm – 2pm

Thanks!
Kim Wilson
Policy Analyst
Natural Resources & Environment Branch
Office of Information & Regulatory Affairs (OIRA)
Ex. 6 Personal Privacy (PP)

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/26/2024 8:48:22 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Maiolatesi, Ashley [Maiolatesi.Ashley@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: Statutory authority preambles update
Attachments: 03.1_LMDV_FRM_PIII_ABC_standads 341.docx

Sorry for the possible blizzard of pings but I have been including Ryland's name in pretty much all of my bubble comments (and have been trying to remember to do bubble comments for all of my edits).

Unfortunately, the document is unstable so I am taking a break for a moment although I am not done but here is a hard copy in case it's helpful.

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, February 26, 2024 2:50 PM
To: Maiolatesi, Ashley <Maiolatesi.Ashley@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Statutory authority preambles update

David, if you make any more changes, it would be good for you to indicate that clearly, like via a bubble, or by accepting all track changes first, so that we can port them over to HD easily.

Stacey, I think Ashley and I are both done with the preamble I file, so you or OTAQ can move things over to the new file whenever you have a chance. I think you can delete all resolved bubbles, but I would keep the unresolved ones until you've reviewed them.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Li, Ryland (Shengzhi)
Sent: Monday, February 26, 2024 2:46 PM
To: Orlin, David <Orlin.David@epa.gov>; Maiolatesi, Ashley <Maiolatesi.Ashley@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: Statutory authority preambles update

Huge thanks to Ashley for harmonizing the LD and HD statutory authority preamble sections and for checking the cites.

I have re-read the LD version today and made some more changes (mostly in response to Ashley's bubbles about what to harmonize). I have also done some more rewriting, almost entirely on the "classes" argument. **David**, I think it would be good if you reread at least that part, **Ex. 5 AC/DP**

Ex. 5 AC/DP

I have generally ported over my changes to the IID version. I have not reread IID though, and one or more of **Stacey/Andrea/I** need to do that again before the end. Hopefully there aren't many more edits on either of these sections, but it's also possible that we'll need **Ashley's** help with more harmonization in the final days.

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

2/26/24: HDV Interagency w/ OMB OGC
Monday, February 26, 2024
1:30 PM

Participants

OMB
Kimberly Wilson
Anuj Desai
Amanda Thomas
Christine Kymn

WHCO
Megan Ceronsky

EPA
Bill Charmley
Elizabeth Corona
George Mitchell
Brian Nelson
Tuana Phillips
Kathryn Sargeant
Alex Wang
Stacey Garfinkle
(may have missed some of the late arrivals)

Notes

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

FOIA No. 2026-EPA-03766

Ex. 5 AC/DP

FOIA No. 2026-EPA-03766

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/27/2024 12:12:59 AM
To: Miller, Elizabeth [Miller.Elizabeth@epa.gov]; McDonald, Joseph (he/him/his) [McDonald.Joseph@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Jung, Zoltan [Jung.Zoltan@epa.gov]; Burke, Susan (she/her/hers) [Burke.Susan@epa.gov]
Subject: section 5 doc problems
Attachments: 05_LMDV_FRM_PV_feasible and appropriate 709 pm.docx

I am really starting to think it's me and I don't know what I could be doing wrong, but I got the error message about it not being able to save my changes to section V, so I am attaching my latest version and copying all the people who I just pinged in it with Ex. 5 AC/AWP/DP

Sorry-- I might stop wreaking havoc now and get some dinner.

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/27/2024 5:18:51 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: Preamble Infrastructure language (Deliberative)

This chain is probably worth reading

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>
Sent: Monday, February 26, 2024 11:40 PM
To: Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Preamble Infrastructure language (Deliberative)

Ex. 5 AC/DP

Thanks,
Susan

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, February 26, 2024 11:14 PM
To: Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Preamble Infrastructure language (Deliberative)

Ex. 5 AC/DP

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>
Sent: Monday, February 26, 2024 11:01 PM
To: Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>
Subject: Preamble Infrastructure language (Deliberative)

Hi David and Robin,

Ex. 5 AC/DP

Happy to discuss, if helpful,
Susan

Current language in PIV:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, February 26, 2024 8:24 PM
To: Moran, Robin <moran.robin@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>
Subject: RE: section 5 doc problems (no more!?)

Thanks Robin and thanks Beth for the help! (it does seem V is working—not sure if I was hallucinating or the doc wanted me to eat dinner).

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Moran, Robin <moran.robin@epa.gov>
Sent: Monday, February 26, 2024 8:02 PM
To: Orlin, David <Orlin.David@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>
Subject: RE: section 5 doc problems

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, February 26, 2024 7:13 PM
To: Miller, Elizabeth <Miller.Elizabeth@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>
Subject: section 5 doc problems

I am really starting to think it's me and I don't know what I could be doing wrong, but I got the error message about it not being able to save my changes to section V, so I am attaching my latest version and copying all the people who I just pinged in it with a Ex. 5 AC/DP

Sorry-- I might stop wreaking havoc now and get some dinner.

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Message

From: Durch, Kyle [Durch.Kyle@epa.gov]
Sent: 2/27/2024 6:34:49 PM
To: Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Ex. 5 AC/DP

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From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, February 27, 2024 1:28 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 27, 2024 1:17 PM
To: Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Thanks Kyle! My takeaway from scanning your comments is **Ex. 5 AC/DP** **Ex. 5 AC/DP** If that's not right, let me know.

Ryland Shengzhi Li

US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: Durch, Kyle <Durch.Kyle@epa.gov>
Sent: Tuesday, February 27, 2024 12:41 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Ex. 5 Deliberative Process (DP) Here are my notes:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 27, 2024 11:34 AM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

I am going to skip this but would appreciate seeing the notes. Thanks.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

-----Original Appointment-----
From: Oreska, Matthew P. EOP/OMB <**Ex. 6 Personal Privacy (PP)**>
Sent: Monday, February 26, 2024 12:48 PM
To: Oreska, Matthew P. EOP/OMB; Bolon, Kevin; Ellies, Ben; Safoutin, Mike; Sargeant, Kathryn (she/her/hers); Olechiw, Michael; Charmley, William (he/him/his); Miller, Elizabeth; Orlin, David; Durch, Kyle; Li, Ryland (Shengzhi); Moran, Robin; Mroz, Jessica (she/her/hers); Phillips, Tuana (she/her/hers); Corona, Elizabeth
Subject: Call with EPA on LDV RTC (2060-AV49)
When: Tuesday, February 27, 2024 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Webex

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-----Original Appointment-----
From: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Sent: Monday, February 26, 2024 12:47 PM
To: Oreska, Matthew P. EOP/OMB; Mroz, Jessica (she/her/hers); Phillips, Tuana (she/her/hers); Corona, Elizabeth
Subject: Call with EPA on LDV RTC (2060-AV49)
When: Tuesday, February 27, 2024 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Webex

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Global call-in numbers

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Ex. 6 Personal Privacy (PP)

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Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/28/2024 1:35:42 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: Call with EPA on LDV RTC (2060-AV49)
Attachments: Memo on MY2016 LDV tech projections and actual, Final.pdf

CUI//PRIVILEGE

See attached.

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 27, 2024 8:30 PM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Thanks **Ex. 5 AC/DP**

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, February 27, 2024 8:24 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

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Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 27, 2024 1:55 PM
To: Durch, Kyle <Durch.Kyle@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

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Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: Durch, Kyle <Durch.Kyle@epa.gov>
Sent: Tuesday, February 27, 2024 1:35 PM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

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Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, February 27, 2024 1:28 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 27, 2024 1:17 PM
To: Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Thanks Kyle! Ex. 5 AC/DP

Ex. 5 AC/DP If that's not right, let me know.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: Durch, Kyle <Durch.Kyle@epa.gov>
Sent: Tuesday, February 27, 2024 12:41 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

CUI//PRIVILEGE

Ex. 5 Deliberative Process (DP) Here are my notes:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, February 27, 2024 11:34 AM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Call with EPA on LDV RTC (2060-AV49)

I am going to skip this but would appreciate seeing the notes. Thanks.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

-----Original Appointment-----
From: Oreska, Matthew P. EOP/OMB <**Ex. 6 Personal Privacy (PP)**>
Sent: Monday, February 26, 2024 12:48 PM
To: Oreska, Matthew P. EOP/OMB; Bolon, Kevin; Ellies, Ben; Safoutin, Mike; Sargeant, Kathryn (she/her/hers); Olechiw, Michael; Charmley, William (he/him/his); Miller, Elizabeth; Orlin, David; Durch, Kyle; Li, Ryland (Shengzhi); Moran, Robin; Mroz, Jessica (she/her/hers); Phillips, Tuana (she/her/hers); Corona, Elizabeth
Subject: Call with EPA on LDV RTC (2060-AV49)
When: Tuesday, February 27, 2024 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Webex

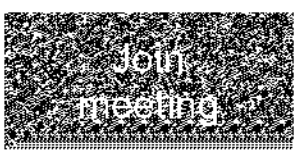
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-----Original Appointment-----
From: Oreska, Matthew P. EOP/OMB <**Ex. 6 Personal Privacy (PP)**>
Sent: Monday, February 26, 2024 12:47 PM
To: Oreska, Matthew P. EOP/OMB; Mroz, Jessica (she/her/hers); Phillips, Tuana (she/her/hers); Corona, Elizabeth
Subject: Call with EPA on LDV RTC (2060-AV49)
When: Tuesday, February 27, 2024 11:30 AM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Webex

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Join by phone

Ex. 6 Personal Privacy (PP) United States Toll

Global call-in numbers

Join from a video system or application

Ex. 6 Personal Privacy (PP)

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Message

From: Moran, Robin [moran.robin@epa.gov]
Sent: 2/29/2024 7:12:05 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: FW: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments
Attachments: Draft Resource Adequacy Technical Memo for the Vehicle Rules_EO 12866 Comments.docx

This just in

From: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>
Sent: Thursday, February 29, 2024 1:10 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Subject: FW: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments

Hi all,

Sharing broadly since these comments apply to both LMDV and HD Phase 3.

~Jessie Fan

From: Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)
Sent: Thursday, February 29, 2024 12:44 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)
Subject: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Tuana and Jessie,

Attached are interagency comments on the draft resource adequacy technical memo.

Let me know if you have any questions.

Thanks,
Kim Wilson
Policy Analyst
Natural Resources & Environment Branch
Office of Information & Regulatory Affairs (OIRA)

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 3/1/2024 2:28:19 PM
To: Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Silverman, Steven [Silverman.Steven@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: More statutory arguments

CUI//PRIVILEGE

Agree with yall's instincts on what to add and also want to emphasize that 1 was an excellent catch!!

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, March 1, 2024 9:07 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: More statutory arguments

Very interesting Ryland. I can definitely see the benefits of adding 1 and 2.

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, February 29, 2024 10:16 PM
To: Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: More statutory arguments

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Maiolatesi, Ashley [Maiolatesi.Ashley@epa.gov]
Sent: 3/2/2024 3:41:06 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: More statutory arguments

Thank you, will do!

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, March 1, 2024 10:14 PM
To: Silverman, Steven <Silverman.Steven@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Maiolatesi, Ashley <Maiolatesi.Ashley@epa.gov>
Subject: RE: More statutory arguments

FYI I added just 1 and 2.

+**Ashley** to note the new add in the ABT RTC (and the other one in the statutory authority preamble, but we can take care of porting that one later).

1 is added to ABT RTC

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Silverman, Steven <Silverman.Steven@epa.gov>
Sent: Friday, March 1, 2024 9:38 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: More statutory arguments

I think these are all great ideas

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, February 29, 2024 10:16 PM
To: Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: More statutory arguments

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Silverman, Steven [Silverman.Steven@epa.gov]
Sent: 3/2/2024 5:31:22 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Maiolatesi, Ashley [Maiolatesi.Ashley@epa.gov]
Subject: RE: More statutory arguments

First rate!
In #1, There is an 'on' which should be 'of';
In #2 to be parallel, at the very end 'or **on** its powertrain'

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, March 1, 2024 10:14 PM
To: Silverman, Steven <Silverman.Steven@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Maiolatesi, Ashley <Maiolatesi.Ashley@epa.gov>
Subject: RE: More statutory arguments

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1 is added to ABT RTC

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Silverman, Steven <Silverman.Steven@epa.gov>
Sent: Friday, March 1, 2024 9:38 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: More statutory arguments

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Sent: Thursday, February 29, 2024 10:16 PM
To: Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: More statutory arguments

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Maiolatesi, Ashley [Maiolatesi.Ashley@epa.gov]
Sent: 3/4/2024 6:09:58 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: More statutory arguments

Hi Ryland,

Confirming that the below made it from HD to LD; please let me know if it would be helpful to move the footnote over to the other preamble.

Best,
Ashley

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, March 1, 2024 10:14 PM
To: Silverman, Steven <Silverman.Steven@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Maiolatesi, Ashley <Maiolatesi.Ashley@epa.gov>
Subject: RE: More statutory arguments

FYI I added just 1 and 2.

+**Ashley** to note the new add in the ABT RTC (and the other one in the statutory authority preamble, but we can take care of porting that one later).

1 is added to ABT RTC

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Silverman, Steven <Silverman.Steven@epa.gov>
Sent: Friday, March 1, 2024 9:38 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: More statutory arguments

I think these are all great ideas

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, February 29, 2024 10:16 PM
To: Orlin, David <Orlin.David@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: More statutory arguments

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 3/4/2024 8:06:51 PM
To: Schwartz, Adan [Schwartz.Adan@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]
CC: Patulski, Meg [patulski.meg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: ACC II - Public Comment Analysis - Prioritizing ICF Contractor summarziing efforts.
Attachments: ACC II Waiver_Substantive Submissions_3.4.24.xlsx

Adan, Karl and Bill –

The attached xcel file has about the top 75 substantive comments submitted and I've been asked by ICF whether EPA would like summarizing of all of them or prioritizing.
At some point it is likely I will have ICF go ahead and summarize them all.

I've identified 34 listed below that I am most interested in.
Please have a look at let me know if there are others you especially want summarized.

To "summarize" means that ICF will paste in the comments/excerpts into a fairly detailed outline of the various waiver criteria issues, constitutional issues, etc that I provided to them – so like rulemakings you will see all the commenters on any specific issue within a specific part of the document, etc.

Ex. 5 AC/DP

- CARB
- CEERT
- NACAA
- NADA
- AFPM
- Texas Public Policy Foundation
- Consumer Energy Alliance (CEA)
- NM Environment Dept
- Southwest Energy Efficiency Project
- Magnuson Superchargers
- NRDC
- Earthjustice
- Marathon Petroleum Company
- US Climate Alliance
- Speciality Equipment Market Assoc (SEMA)
- NESCAUM
- Rivian
- PG&E
- NACAA
- ICCT
- Ohio AG et al
- NADA
- API

- CERES
- Alliance for Automotive Innovation
- Illinois Corn Growers et al
- Engineers Labor-Employer Coop
- Tesla
- Zero Emission Transportation Assoc
- HF Sinclair Corp
- Institute for Energy Research
- AFPM
- Valero
- Environmental and Public Health Orgs

Message

From: Durch, Kyle [Durch.Kyle@epa.gov]
Sent: 3/5/2024 10:58:56 PM
To: Jackman, Dana [jackman.dana@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: NNTO: Got it. Thanks! (RE: Would this paragraph be good in RIA Chapter 4.2.3?)

Ex. 5 AC/DP

Best,

Kyle Durch (he/him)
US EPA, Office of General Counsel
(202) 564-1809

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (202) 564-1809.

From: Jackman, Dana <jackman.dana@epa.gov>
Sent: Tuesday, March 5, 2024 4:15 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>
Subject: NNTO: Got it. Thanks! (RE: Would this paragraph be good in RIA Chapter 4.2.3?)

Got it. Thanks.

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, March 5, 2024 1:40 PM
To: Jackman, Dana <jackman.dana@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Would this paragraph be good in RIA Chapter 4.2.3?

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Jackman, Dana <jackman.dana@epa.gov>
Sent: Monday, March 4, 2024 2:43 PM

To: Moran, Robin <moran.robin@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: Would this paragraph be good in RIA Chapter 4.2.3?

Ex. 5 AC/DP

Thoughts?

Dana Jackman, Ph.D.
jackman.dana@epa.gov

Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105

[1] International Council on Clean Transportation, "Assessment of Light-Duty Electric Vehicle Costs and Consumer Benefits in the United States in the 2022-2035 Time Frame," October 2022.

Message

From: Miller, Elizabeth [Miller.Elizabeth@epa.gov]
Sent: 3/6/2024 4:22:39 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: HD RTC Section 19 Employment

Sure – I will make a point to look at them on Sunday afternoon. I will try to make sure my RTC updates there are done by Friday then.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, March 6, 2024 11:21 AM
To: Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: HD RTC Section 19 Employment

Thanks so much, Beth! Ex. 5 AC/DP

Ex. 5 AC/DP

If I do end up adding edits to LD over the weekend, will you have time to look at that? If not, I understand but wanted to cchck.

Ryland Shcngzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: hc/him/his

From: Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Sent: Wednesday, March 6, 2024 11:17 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: HD RTC Section 19 Employment

Ex. 5 AC/DP

I will be updating the LD RTC to follow suit with the updates to the HD RTC this week. Just to make sure you are aware, the LMDV rule has a final pens down time of 8am on Monday the 11th. All the documents will be then considered "final" and will be compiled and cleaned and sent to OMB for clearance by the end of the day.

Thank you!
Beth

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, March 6, 2024 10:15 AM
To: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>;

Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: HD RTC Section 19 Employment

Hi Beth,

Thanks for your very hard work on this section. This is a huge improvement. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks again for your great work! This is a strong response.

LD preamble:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Sent: Wednesday, March 6, 2024 8:12 AM

Ex. 5 AC/DP

To: Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: HD RTC Section 19

+ Stacey

From: Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Sent: Tuesday, March 5, 2024 9:11 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: HD RTC Section 19

Ryland and Andrea (and Kathryn, as an FYI),

I have updated and responded to comments in the HD RTC Econ section (19). Note that there are some significant updates to the employment section. I added a lot of references from DOE and DOL, as well as expanded on some responses as requested. I also added some introductory language in response to your suggestions, Ryland, to update framing.

I realize pens down on this is noon tomorrow. I am sorry this update to your comments is coming so late.

Beth

Dr. Elizabeth (Beth) Miller
Economist, HEBTC
ASD, OTAQ, Office of Air and Radiation
U.S. Environmental Protection Agency
Phone: (734) 214-4703
Please note my email address: Miller.Elizabeth@epa.gov
(If you send it to 'Miller.Beth', I will likely not receive it)

Message

From: Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]
Sent: 3/7/2024 7:54:51 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments
Attachments: Draft Resource Adequacy Technical Memo for the Vehicle Rules_12866 Comments Part 2.docx

Ex. 5 AC/DP

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Thursday, March 7, 2024 2:16 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Subject: FW: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments

Resending to include folks from LD team and others.

From: Phillips, Tuana (she/her/hers)
Sent: Thursday, March 7, 2024 1:59 PM
To: Charmley, William (he/him/his) <charmley.willian@epa.gov>
Cc: Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: FW: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments

Bill,

Attached are some additional comments on the Resource Adequacy Technical memo.

Ex. 5 Deliberative Process (DP)

Best,
Tuana

From: Wilson, Kimberly C. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Sent: Thursday, March 7, 2024 1:41 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>;

Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Oreska, Matthew P. EOP/OMB < **Ex. 6 Personal Privacy (PP)**
Subject: RE: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Tuana,

Attached are some additional interagency comments on the resource adequacy technical memo.

Let me know if you have any questions.

Thanks!
Kim

From: Wilson, Kimberly C. EOP/OMB
Sent: Thursday, February 29, 2024 12:44 PM
To: 'Phillips, Tuana (she/her/hers)' <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Oreska, Matthew P. EOP/OMB < **Ex. 6 Personal Privacy (PP)**
Subject: Resource Adequacy Technical Memo for LMDV and HP3 rules - IA Comments

Hi Tuana and Jessie,

Attached are interagency comments on the draft resource adequacy technical memo.

Let me know if you have any questions.

Thanks,
Kim Wilson
Policy Analyst
Natural Resources & Environment Branch
Office of Information & Regulatory Affairs (OIRA)

Message

From: Charmley, William (he/him/his) [charmley.william@epa.gov]
Sent: 3/7/2024 9:07:56 PM
To: Birnbaum, Rona [Birnbaum.Rona@epa.gov]; Fisher, Brian [Fisher.Brian@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; McDonald, Joseph (he/him/his) [McDonald.Joseph@epa.gov]; Jung, Zoltan [Jung.Zoltan@epa.gov]; Wang, Alex (he/him/his) [Wang.Alex@epa.gov]; Swisz-Hall, Naima [swisz-hall.naima@epa.gov]; Cullen, Angela [cullen.angela@epa.gov]; Yanca, Catherine (she/her/hers) [yanca.catherine@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Phillips, Tuana (she/her/hers) [phillips.tuana@epa.gov]; Mroz, Jessica (she/her/hers) [mroz.jessica@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Burch, Julia (she/her/hers) [Burch.Julia@epa.gov]; Burke, Susan (she/her/hers) [Burke.Susan@epa.gov]; Landgraf, Mike (he/him/his) [Landgraf.Mike@epa.gov]; Lalani, Imran [Lalani.Imran@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]
Subject: RE: Pass-back on the Resource Adequacy Memo from the interagency review via OMB: update - comments from DOE (via OMB)
Attachments: Draft Resource Adequacy Technical Memo for the Vehicle Rules_12866 Comments Part 2.docx

Dear all –

Earlier this afternoon we received the attached comments on the Resource Adequacy Memo from OMB. They OIRA desk office called OTAQ and informed us these comments are from DOE. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

On this upcoming Monday, March 11, we will be sending to OMB what we hope to be our final passback of the light & medium duty vehicle rule, as we are working towards OMB clearance on Wednesday the 12th, and then signature and roll-out of the rule the week of March 18. If OMB decides they want to look at this memo again, I suspect they will ask for it on Tuesday, March 12.

Thanks again to everyone,

Bill

From: Charmley, William (he/him/his)
Sent: Friday, March 1, 2024 2:01 PM
To: Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <mcdonald.joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers)

<Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>
Subject: RE: Pass-back on the Resource Adequacy Memo from the interagency review via OMB: update - comments from EPA/OP

Dear all –

We received written comments today from OP and NCEE on the draft resource adequacy memo, which I have attached.

I do not know if these comments/suggestions from OP would warrant a call, but for OP, our point of contact for the vehicle rules is Elizabeth Corona.

If the OAP team can also consider this input when you are responding to the written comments from OIRA that would be great.

Thanks
Bill

From: Birnbaum, Rona <Birnbaum.Rona@epa.gov>
Sent: Thursday, February 29, 2024 6:37 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>
Subject: RE: Pass-back on the Resource Adequacy Memo from the interagency review via OMB

Sounds good Bill… We'll take a look at comments in the passback and plan to get back to you with draft responses early next week.
thanks, Rona

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Thursday, February 29, 2024 3:55 PM
To: Fisher, Brian <Fisher.Brian@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>

Subject: Pass-back on the Resource Adequacy Memo from the interagency review via OMB
Importance: High

Dear all –

Today we received the attached pass-back.

Rona an Jeb – I think it would make sense for the OAP team to take a first cut at responding to these comments. I also recognize that we may have updates to the memo since we send it to OMB for interagency review. Any suggestions on that?

From a timing perspective, we learned today that we have a few more days on both rulemakings for interagency review. That being said, it would be good if we could respond to these comments, as well as any updates we have made internally, back to OMB mid to late next week.

Thanks,
Bill

From: Charmley, William (he/him/his)
Sent: Wednesday, February 21, 2024 2:36 PM
To: Fisher, Brian <Fisher.Brian@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <mcdonald.joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>
Subject: RE: Time line for submitting the resource adequacy technical memo to OMB for interagency review

Dear Ryland and Brian –

Thank you both for your responses. Regarding Brian's question on continued refinements, absolutely. We should add a "draft" header to the memo, and there will continue to be an opportunity for changes, at a minimum through next week and perhaps the week after.

Thanks
Bill

From: Fisher, Brian <Fisher.Brian@epa.gov>
Sent: Wednesday, February 21, 2024 1:52 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>;

Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>; Lalani, Imran <Lalani.Imran@epa.gov>
Subject: RE: Time line for submitting the resource adequacy technical memo to OMB for interagency review

Hi Bill,

Yes - we'll have an updated draft by COB Friday that reflects additions in response to the latest round of comments. I agree with Ryland that the document could be shared with interagency counterparts.
I would imagine even after that point, we would continue to take any marginal opportunities we saw for continued refinements (in addition to incorporating interagency feedback) – but let us know if you prefer a hard pens down as of Friday.

I have also been reaching out to counterparts in other EPA offices to verify their comfort level with the document as their Rules are referenced. Let me know if this is redundant with efforts already underway.

Thanks,

Brian

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, February 21, 2024 9:03 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>
Subject: RE: Time line for submitting the resource adequacy technical memo to OMB for interagency review

Hi Bill, I think we've made a lot of progress on the memo, much thanks to OAP's immense efforts. While important work continues to be done, we are on a good path forward. Gautam and I spoke to Susannah about this yesterday, and I understand she also communicated this with OAR.

I understand from Brian that another draft incorporating the latest comments will be produced this week. In my view, that draft can be shared with interagency. I defer to Brian or others in OAP on the precise timing of that draft and its alignment with the passback timeframes.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Wednesday, February 21, 2024 8:17 AM

To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; McDonald, Joseph (he/him/his) <McDonald.Joseph@epa.gov>; Jung, Zoltan <Jung.Zoltan@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Burke, Susan (she/her/hers) <Burke.Susan@epa.gov>; Landgraf, Mike (he/him/his) <Landgraf.Mike@epa.gov>
Subject: Time line for submitting the resource adequacy technical memo to OMB for interagency review
Importance: High

Dear all –

I want to share with everyone our remaining time line for the two vehicle rules for OMB clearance. EPA has asked that the heavy-duty vehicle rule be cleared by OMB on March 7 (2 weeks from tomorrow), and the Light & medium-duty vehicle rule on Monday, March 11 (~2.5 weeks from today). In order to hit those milestones, we over the course of the next week we will be submitting major pass-backs of the preambles and RIAs for both rules, starting with the heavy-duty preamble on Friday of this week. I would like to know when we can be prepared to share this memo with OMB. Will it be ready on Friday of this week, so we can send it with the HD preamble? If not I would like it to be ready to be sent next week on Monday or Tuesday.

Rona, Ryland, and Gautam – can you let me know your thoughts on the timeline for the memo with respect to sharing with OMB?

Also – for all of the vehicle rulemaking team members in OTAQ&ARLO – we should be working into the draft final rules our summary/reference to the memo (if we have not already done so) – so the interagency will see that in our next pass back, if at all possible.

I apologize if I have missed anyone on this email – please add as appropriate.

Thanks
Bill

Message

From: Durch, Kyle [Durch.Kyle@epa.gov]
Sent: 3/7/2024 9:36:51 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: Kelleher - MTD Reply (due tomorrow)
Attachments: 2024.03.07 - KELLEHER reply in support of MTD.docx

CUI//PRIVILEGE

Hey Ryland,

Kelleher mailed an opposition to our motion to dismiss, so we have a reply to file tomorrow; please see attached (Angie is looking for inputs by noon). It's short, and Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Best,

Kyle Durch (he/him)
US EPA, Office of General Counsel
(202) 564-1809

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (202) 564-1809.

Controlled by U.S. Environmental Protection Agency

Message

From: Miller, Elizabeth [Miller.Elizabeth@epa.gov]
Sent: 3/8/2024 9:20:09 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Olechiw, Michael [olechiw.michael@epa.gov]; Ellies, Ben [ellies.ben@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Safoutin, Mike [safoutin.mike@epa.gov]
Subject: FW: E.O. 12866 Review - LDV (2060-AV49)
Attachments: SAN 8953_RIN 2060-AV49_LMDV 2027 Preamble_FRM 20240227_EO12866 Ex. 5 Deliberative Process (DP) nteragency comments.docx; SAN_8953_RIN_2060-AV49_LMDV_2027 RIA_FRM_20240229_EO12866 Ex. 5 Deliberative Process (DP) nteragency comments.docx

We got the Ex. 5 Deliberative Process (DP) from OMB that we thought we might get.
The preamble comments and suggested edits are all incorporated into the live preamble files, and I am working on the RIA. The RIA edits were made in the RLSO version, so I couldn't tell which edits were from OMB and which were ours. I now have a copy with JUST OMB inline edits. I am working on incorporating those into the live RIA, but the going is slow because the file is not working well with me…If you would like to take a look, though the RIA with just OMB edits is linked below.

OMB Ex. 5 Deliberative Process (DP) just OMB edits.docx

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Friday, March 8, 2024 12:59 PM
To: Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: FW: E.O. 12866 Review - LDV (2060-AV49)

Just received the Ex. 5 Deliberative Process (DP)

From: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)
Sent: Friday, March 8, 2024 12:45 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>
Cc: Corona, Elizabeth <Corona.Elizabeth@epa.gov>; Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)
Subject: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Good afternoon,

Please find attached consolidated Ex. 5 Deliberative Process (DP) interagency comments. New comments are marked Ex. 5 Deliberative Process (DP) interagency comment' in both documents. Note that the preamble comments are provided on a clean version, so that document does not show Ex. 5 Deliberative Process (DP) edits.

FYI, an agency confirmed that they are still reviewing the RIA and will note any areas that might need conforming edits. I will send those edits if/when received.

Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget
Ex. 6 Personal Privacy (PP)

Message

From: Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]
Sent: 3/25/2024 4:24:20 PM
To: Cullen, Angela [cullen.angela@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: For Review ASAP: draft HDP3 Administrator briefing

Importance: High

Sargeant, Kathryn (she/her/hers) has shared a OneDrive for Business file with you. To view it, click the link below.

Heavy-Duty_Phase3_March2024FRMPreRollout__AdmRegan.pptx

Attached is a revised version of the draft Administrator comments, per Sarah's comments below. Angela, the new slides are 5-8.
Will you please take a quick look and fix them as you see fit, and then I will send them to her ASAP (Joe wants them in time for a check-in this afternoon).

OGC, this is based on the comms materials, so there shouldn't be anything new here, so this is mostly for your awareness.

From: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Sent: Monday, March 25, 2024 10:59 AM
To: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>
Subject: RE: For Review: draft HDP3 Administrator briefing

Thank you Kathryn – this is looking good. I had a couple thoughts on slide 5 (and 6):

Ex. 5 Deliberative Process (DP)

Does this make sense?

From: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Sent: Monday, March 25, 2024 10:44 AM
To: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Cc: Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>
Subject: For Review: draft HDP3 Administrator briefing

Hi, Sarah. Here is a first draft to see if it's on the right track.
It has some placeholder questions about scope, including whether it should cover expected stakeholder reactions

From: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Sent: Monday, March 25, 2024 10:01 AM
To: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>
Subject: RE: IMPORTANT: FW: Update on HDV - please read

Hi folks—
I believe there are a flurry of email chains going on related to HD roll out, some of which I have seen, but not all. But I wanted to make sure our team (the OTAQ team) all was communicating and all on the same page.

Here is what I know at this point:

Ex. 5 Deliberative Process (DP)

Lisa, can you please send me the link to where all the comms/roll out materials are? And confirm that I should be able to see on that link fast facts and the "score card" that Bill started to prepare last week?

Thank you all, this is going to be a roller coaster week.
Sarah

From: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Sent: Friday, March 22, 2024 4:44 PM
To: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>
Subject: RE: IMPORTANT: FW: Update on HDV - please read

I will be on point for developing the briefing with Angela and team.

From: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Sent: Friday, March 22, 2024 4:33 PM
To: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Cc: Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>
Subject: RE: IMPORTANT: FW: Update on HDV - please read

Thanks – Please let me know who is on point for preparing the briefing for the Administrator. This should just be a version of what has already been pulled together before with a focus on the messages/talking points for what the Administrator would be speaking to.

From: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Sent: Friday, March 22, 2024 3:28 PM
To: Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Cc: Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: IMPORTANT: FW: Update on HDV - please read

+ Angela and James

From: Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>
Sent: Friday, March 22, 2024 3:25 PM
To: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Cc: Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Li, Ryland

(Shengzhi) <Li.Ryland@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: IMPORTANT: FW: Update on HDV - please read

See below

Lisa Reiter
Communications Director
Office of Transportation and Air Quality (OTAQ)
U.S. Environmental Protection Agency
Contact me on Teams
reiter.lisa@epa.gov
Office 202-566-2185
Mobile 202-893-6711
Pronouns: she/her/hers

From: Conger, Nick <Conger.Nick@epa.gov>
Sent: Friday, March 22, 2024 3:23 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Millett, John <Millett.John@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Lance, Kathleen <Lance.Kathleen@epa.gov>; Grosspietsch, Megan <Grosspietsch.Megan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Utech, Dan <Utech.Dan@epa.gov>; Le, Hieu <Le.Hieu@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Morgan, Ashley <Morgan.Ashley.M@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>
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Subject: Update on HDV - please read

All: Update here. We're going to push this rollout to **Friday morning, March 29th**. This is based discussions with the White House, and separately with the Administrator, this afternoon. That should give everyone some extra time to get our ducks in a row! With that, here few things to track/be aware of:

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Thanks team!

Nick

Nick Conger
Associate Administrator, Public Affairs
Environmental Protection Agency
202-909-7391 (mobile)
Twitter: @EPAPressOffice

Message

From: Li, Ryland (Shengzhi) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7CF0EAC9D34B446F88E03F8EC48274F1-LI, SHENGZH]
Sent: 3/25/2024 7:11:41 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Garfinkle, Stacey [Garfinkle.stacey@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: FW: For Review ASAP: draft HDP3 Administrator briefing

Importance: High

Li, Ryland (Shengzhi) has shared a OneDrive for Business file with you. To view it, click the link below.

Heavy-Duty_Phase3_March2024FRMPreRollout__AdmRegan.pptx

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Attached is a revised version of the draft Administrator comments, per Sarah's comments below. Angela, the new slides are 5-8.

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Associate Administrator, Public Affairs
Environmental Protection Agency
202-909-7391 (mobile)
Twitter: @EPAPressOffice

Message

From: Weaver, Susannah [Weaver.Susannah@epa.gov]
Sent: 3/25/2024 8:25:25 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: For Review ASAP: draft HDP3 Administrator briefing

Let me connect with Ale. I think we should have some OGC presence there—if only to repeat some of the legal messaging cautions.

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, March 25, 2024 3:46 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
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I don't see any of these meetings either. I defer to Susannah whether someone from ARLO should attend. It seems all the comms materials are getting a good scrub by you all (the Q&A doc is looking good). I'd be surprised if a meeting at this point resulted in significant (or any) changes in messaging. At the same time, it can't hurt anything by having someone listen in.

++++++++++++++
(202) 695-6287
he/him/his

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
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To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
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Hi all,

The meeting with the Administrator is currently scheduled for Wednesday at 11 and also includes OPA. No one from OGC is currently on the invite. As Ryland mentioned, there's also a small meeting with Joe and Ale today which we're not on either.

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Sent: Monday, March 25, 2024 3:12 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
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From: Conger, Nick <Conger.Nick@epa.gov>
Sent: Friday, March 22, 2024 3:23 PM

To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Millett, John <Millett.John@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Lance, Kathleen <Lance.Kathleen@epa.gov>; Grosspietsch, Megan <Grosspietsch.Megan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Utech, Dan <Utech.Dan@epa.gov>; Le, Hieu <Le.Hieu@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Morgan, Ashley <Morgan.Ashley.M@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Stevens, Katherine <stevens.katherine@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>
Cc: Carroll, Timothy <Carroll.Timothy@epa.gov>; Belford, Remmington <Belford.Remmington@epa.gov>; Galvez, Sarah <Galvez.Sarah@epa.gov>
Subject: Update on HDV - please read

All: Update here. We're going to push this rollout to **Friday morning, March 29th**. This is based discussions with the White House, and separately with the Administrator, this afternoon. That should give everyone some extra time to get our ducks in a row! With that, here few things to track/be aware of:

- **OPA**: We will work to land/organize an Administrator-led press call on Thursday late afternoon, embargoed for Friday morning.
- **OPEEE/OAR/Rosemary**: Please work to source availability from EDF, ALA and one community voice to join that call. **OPA** will check with the WH on the same.
- **OAR**: Please prepare a briefing for the Administrator on the substance of the rule. He's particularly interested in how the emissions reductions are stronger than proposal.
- **Scheduling**:
  - Please set 30-45 mins for OAR to brief the Administrator on the rule on Wednesday/Thursday (defer to @Lance, Kathleen on preferred timing)
  - Please hold 30 mins for a press call anytime after 3pm on Thursday, with 15 mins of prep just prior
- **All**: With this new schedule, we now owe paper to the WH by **Tuesday at Noon**. Can OAR comms send clean drafts of press release, Q&A, and tick tock by Monday morning to OPA? We will review and send back any edits to OAR by mid-afternoon on Monday.

Thanks team!

Nick

Nick Conger
Associate Administrator, Public Affairs
Environmental Protection Agency
202-909-7391 (mobile)
Twitter: @EPAPressOffice

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/15/2024 11:59:22 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Schwartz, Adan [Schwartz.Adan@epa.gov]
Subject: RE: possible 28j letter on Ohio in Texas
Attachments: 2022.11.03 industry opening brief (no addendum).pdf; 2023.02.24 proof answering brief FILE STAMPED.pdf; 2022.11.03 states opening brief.pdf

Ex. 5 AC/AWP/DP

I am attaching the opening briefs (and EPA's brief) in case anyone wants to look at them.

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, April 12, 2024 10:50 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: possible 28j letter on Ohio in Texas

Hi Susannah, We received a draft, with comments due Monday. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

David is out today but back Monday, and he may have further or different insights.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Friday, April 12, 2024 9:59 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: possible 28j letter on Ohio in Texas

Thanks for reading me in. Is there any update on this? And I'm already forgetting— Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, April 11, 2024 3:08 PM
To: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: possible 28j letter on Ohio in Texas

Thanks for the update, David. Adding Susannah for her awareness and in case she has thoughts.

Ex. 5 AC/AWP/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, April 11, 2024 2:19 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: possible 28j letter on Ohio in Texas

FYI, Sue Chen called with a heads up that Todd Kim would like to Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Not sure when we'll see a draft (but I'll let Sue know I plan to be out tomorrowe).

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Message

From: Brakora, Jessica [Brakora.Jessica@epa.gov]
Sent: 4/1/2024 3:24:59 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Cullen, Angela [cullen.angela@epa.gov]
Subject: RE: HDP3 - question re: docketing the published RTC
Attachments: HDP3_RTC_FRM_PrePublication.pdf; Final_RTC_420r24007.pdf

Thanks, Ryland.

Ex. 5 AC/DP

Attached are both versions for your reference.

Jess

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, April 1, 2024 10:36 AM
To: Brakora, Jessica <Brakora.Jessica@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: RE: HDP3 - question re: docketing the published RTC

Hi Jess – I believe Andrea is coming back tomorrow, so if this question still timely then, I would reach out to her. **Ex. 5 AC/DP**

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Brakora, Jessica <Brakora.Jessica@epa.gov>
Sent: Monday, April 1, 2024 9:52 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>
Subject: HDP3 - question re: docketing the published RTC

Good morning, Ryland.

Ex. 5 AC/DP

Thanks!
Jess

- -

Jessica L. Brakora
Engineer, Heavy-duty Onroad and Nonroad Center
Assessment and Standards Division
US. EPA - Office of Transporation and Air Quality

BrakoraJessica@epa.gov

Message

From: Thrift, Mike [thrift.mike@epa.gov]
Sent: 4/24/2024 5:01:44 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; James, Corin [James.Corin01@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Durch, Kyle [Durch.Kyle@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: SIP Emissions Credit for FIP Measures
Attachments: CA 1995 FIP unpublished and rescinded.pdf

What a fascinating trip back down Memory Lane!

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 24, 2024 9:04 AM
To: James, Corin <James.Corin01@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FW: SIP Emissions Credit for FIP Measures

Hi all,

Ex. 5 AC/DP

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Wednesday, April 24, 2024 11:22 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: SIP Emissions Credit for FIP Measures

Hi Abi,

Ex. 5 AC/DP

Aaron

From: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Sent: Friday, April 12, 2024 3:58 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Subject: FW: SIP Emissions Credit for FIP Measures

Ex. 5 AC/DP

Kara Christenson | Senior Counsel | U.S. EPA Region 9 | Office of Regional Counsel | 75 Hawthorne Street | San Francisco, CA 94105 | 415 972-3881 (desk) | 415 652-6330 (cell) | christenson.kara@epa.gov | she / her

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (415) 972-3881.

From: Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Sent: Friday, April 12, 2024 3:03 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: SIP Emissions Credit for FIP Measures

Kara:

Ex. 5 AC/DP

Jeff Wehling
U.S. EPA, Region IX, ORC-2
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3901

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/29/2024 6:44:35 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: OPEN MONDAY RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).
Attachments: CFDC EPA-HQ-OAR-2022-0829-0712_attachment_1 (3).pdf; MN Corn growers EPA-HQ-OAR-2022-0829-0612_attachment_1.pdf

Susannah,

I took a quick look through some of the comments and this quote from the Minnesota Corn Growers appears to be the best explanation of why corn growers support a higher R factor—

Ex. 5 AC/AWP/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Orlin, David
Sent: Monday, April 29, 2024 10:01 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OPEN MONDAY RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Susannah,

Subject to further consultation with OTAQ here is my understanding of the situation. I've given you a lot of background, but feel free to skip down.

Background

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Answers to Ale's questions

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Hope this is helpful, let us know if you have further questions.

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Sunday, April 28, 2024 10:15 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: OPEN MONDAY RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Hi David,

Some follow up questions from Ale, just below and then further below, re whether this would affect the testing procedures for the standards. I think Ale is also going to ask Bill Charmley. Would be good to get a sense of this early tomorrow/Monday.

Thanks!
Susannah

From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Saturday, April 27, 2024 7:56 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: URGENT RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Ex. 5 AC/AWP/DP

From: Nunez, Alejandra
Sent: Saturday, April 27, 2024 7:51 PM

To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: URGENT RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Ex. 5 AC/AWP/DP

Please let me know how time-sensitive is, so I see if I need to contact Bill Charmley this weekend or this could wait until Monday first thing in the morning.
Thanks.

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Saturday, April 27, 2024 5:16 PM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Fwd: URGENT RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

FYI
Sent from my iPhone

Begin forwarded message:

From: "Orlin, David" <Orlin.David@epa.gov>
Date: April 27, 2024 at 4:17:07 PM EDT
To: "Weaver, Susannah" <Weaver.Susannah@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>, "Greenfield, Meghan" <Greenfield.Meghan@epa.gov>, "Marks, Matthew" <Marks.Matthew@epa.gov>, "Li, Ryland (Shengzhi)" <Li.Ryland@epa.gov>
Cc: "Durch, Kyle" <Durch.Kyle@epa.gov>
Subject: RE: URGENT RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Saturday, April 27, 2024 1:37 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: URGENT RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Adding Ryland and David and subtracting others.

Ex. 5 AC/AWP/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, April 26, 2024 7:34 PM
To: Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; McGuire, James (he/him/his) <McGuire.James@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

CUI//PRIVILEGE

Thanks, Jeff. We are seeing new lows every day. I shudder to think what the future brings. Best to all and happy weekend (?).

++++++++++++++
(202) 695-6287
he/him/his

Controlled by U.S. Environmental Protection Agency

From: Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>
Sent: Friday, April 26, 2024 6:39 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; McGuire, James (he/him/his) <McGuire.James@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: FW: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

All,

Sorry to send on a Friday evening!

Best,

Jeff

Jeffrey M. Prieto
General Counsel
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-8040
E: Prieto.jeffrey@epa.gov
Pronouns: he/him/his

CONFIDENTIALITY NOTICE: This message may contain deliberative, attorney-client, or otherwise privileged material. Do not release this message under FOIA without appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.

Please note that I may have sent this note outside regular business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

From: James Conde <jconde@boydengray.com>
Sent: Friday, April 26, 2024 6:27 PM
To: CMS.OEX@epamail.epa.gov; Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>
Cc: Trent McCotter <tmccotter@boydengray.com>; Michael Buschbacher <mbuschbacher@boydengray.com>
Subject: Petition for Judicial Review of Final Rule Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles, published in the Federal Register at 89 Fed. Reg. 27,842 (Apr. 18, 2024).

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Dear Mr. Prieto:

Pursuant to 28 U.S.C. § 2112, the Texas Corn Producers, the Texas Sorghum Producers, and the National Sorghum Producers give written notice of the enclosed petition for judicial review filed in the U.S. Court of Appeals for the Fifth Circuit. A copy is attached. Pursuant to 40 C.F.R. § 23.12, we are also mailing a copy via certified mail, return receipt requested.

Please contact me if you have any questions about this petition.

Jimmy Conde
Boyden Gray PLLC
801 17th Street NW, Suite 350
Washington, DC 20006
(202) 955-0620
jconde@boydengray.com

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 5/8/2024 5:53:40 PM
To: Stahle, Susan [Stahle.Susan@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: FW: FOR YOUR REVIEW: EPA-OGC comments on State Amici Brief in Oklahoma v. EPA
Attachments: States Amicus Brief in Support of Petitioners.pdf; NWSOE determinations [05-07-24].docx; Oklahoma_EPA-OGC comments on State Amici Brief.docx

CUI//PRIVILEGE

Hi Sue and Ryland,

Ex. 5 AC/AWP/DP

Jeanhee Hong (she/her)
US EPA Office of General Counsel
Air and Radiation Law Office
(202) 565-0040

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Tuesday, May 7, 2024 9:38 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: FOR YOUR REVIEW: EPA-OGC comments on State Amici Brief in Oklahoma v. EPA

Hi Susannah,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Oklahoma_EPA-OGC comments on State Amici Brief.docx

Jeanhee Hong (she/her)
US EPA Office of General Counsel
Air and Radiation Law Office
(202) 565-0040

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 4/1/2024 9:09:18 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
Subject: RE: ACC II waiver - major question doctrine/ZEV
Attachments: ACC II Waiver_Interim Coding Report_3-15-24 (004).docx

Hi Ryland and Adan –

1. I think we should set up a place on OneNote to share ACC II waiver files, drafts of the final decision, etc. I can have someone set that up – ok?

Ex. 5 AC/DP

5. A few other initial comments in redline below.

David

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, April 1, 2024 4:12 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

Hi David and Adan,

You may have already seen these, but I'm sending along the final preamble and RTC for the light duty rule. Heavy duty is substantially similar on the legal points, so you can just look at light duty. I

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

David

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Li, Ryland (Shengzhi)
Sent: Monday, March 4, 2024 2:03 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

I have these on hand, so I thought I'd send to you both.

The preamble file discusses major questions in III.B.3.

The LMDV RTC section 2 file discusses major questions in the first response.

The LD2 comments has the comments. Look at Valero, API, AFPM, and Kentucky Attorney General.

The heavy-duty version (RTC_02_StandardsAuthority) has a slightly fuller MQD response in RTC 2.1, with the additional inclusion of tables 2 and 3. I don't think those are relevant for your purposes, but attaching that file as well FYA.

I look forward to talking about all this with you all after the vehicle rules are done.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Monday, March 4, 2024 1:54 PM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: ACC II waiver - major question doctrine/ZEV

Hi Adan

The comment period for the ACC II matter closed on 2/27/24. There are about 32,000 comments and I am guessing maybe 30-50 will be of some substance that EPA will want to consider (both for and against the waiver). Our contractor ICF is putting together a summary of the comments based on the outline of issue that I sent them.

Ex. 5 AC/DP

David

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 3/9/2024 11:30:17 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: another twist on major Q
Attachments: -1585_Clean Fuels Development Coalition et al..pdf

Ex. 5 AC/DP

From: Carrillo, Andrea
Sent: Tuesday, January 16, 2024 6:05 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Cc: Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: FW: another twist on major Q

Hi, Mark. First off, best of luck!! and this email can certainly wait until next week.

Second, and sorry if you already got back to me on this, wondering if you had any thoughts on the comment below (which is included more fully in the attached doc at page 4). I was thinking that we would say that:

Ex. 5 AC/DP

From: Carrillo, Andrea
Sent: Tuesday, October 24, 2023 1:13 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Cc: Garfinkle, Stacey <Garfinkle.stacey@epa.gov>
Subject: FW: another twist on major Q

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks for your help!

Andrea

From: Silverman, Steven <Silverman.Steven@epa.gov>
Sent: Wednesday, October 4, 2023 4:53 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: another twist on major Q

Here is a summary of that comment:

Ex. 5 AC/DP

From: Silverman, Steven
Sent: Wednesday, October 4, 2023 3:36 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: another twist on major Q

Ex. 5 AC/DP

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 4/4/2024 9:53:36 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
Subject: RE: ACC II waiver - major question doctrine/ZEV
Attachments: ACC II Waiver_Comprehensive Coding Report_4-3-24.docx

Attached is the final version of the summary of comments.

I respond to Ryland below.

David

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, April 4, 2024 4:23 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

I've been going through the comments and the coding report David shared earlier. I would like to see the final version when it's available.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Tuesday, April 2, 2024 10:49 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

Coincidentally I was just reading the same!

Ex. 5 AC/DP

David

From: Schwartz, Adan <Schwartz.Adan@epa.gov>
Sent: Tuesday, April 2, 2024 10:36 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

The reviews are in . . . critics are impressed!

https://insideepa.com/daily-news/epa-vehicle-rule-offers-model-major-questions-rebuttal-expert-says?utm_medium=mh

From: Schwartz, Adan
Sent: Monday, April 1, 2024 8:25 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

I don't have much to add at the moment. I've been immersed in section 112 world the past month, but now can start focusing on ACC2. Always an advocate for collaboration on outlines and concepts prior to serious drafting. Don't have

specific ideas right now about splitting up the drafting. This is different than the more conventional arrangement where the lines of expertise between OGC and program are more obvious. But there may be discrete tasks, such as "extrapolate from these three documents to draft an argument addressing this aspect of MQD." As Ryland knows, we also have new ARLO waiver team member Kyle Durch, with his newly-minted expertise in the light duty rule, to draw upon.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, April 1, 2024 6:31 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

Thanks David. Your suggestions make sense to me, but Adan should weigh in too of course.

In particular, I support the idea of both a dedicated site for ACC2 shared files (maybe a Teams site?), as well as an early outline for us to discuss and review together. One question I wanted to ask at our call, which I'll put to you both now, is whether David will do all the drafting, or whether that will be split up, e.g., between the two of you, or shared with OTAQ technical staff. I am also happy to pitch in as needed. Maybe you can think about that, and we can discuss it at our call. There are only 3 months left until the end of June, so I want to make sure we have a process that can get the work done and not result in a huge crunch at the end. My recollection, if memory serves me right, is we have less time than we had for ACT.

Ex. 5 AC/DP

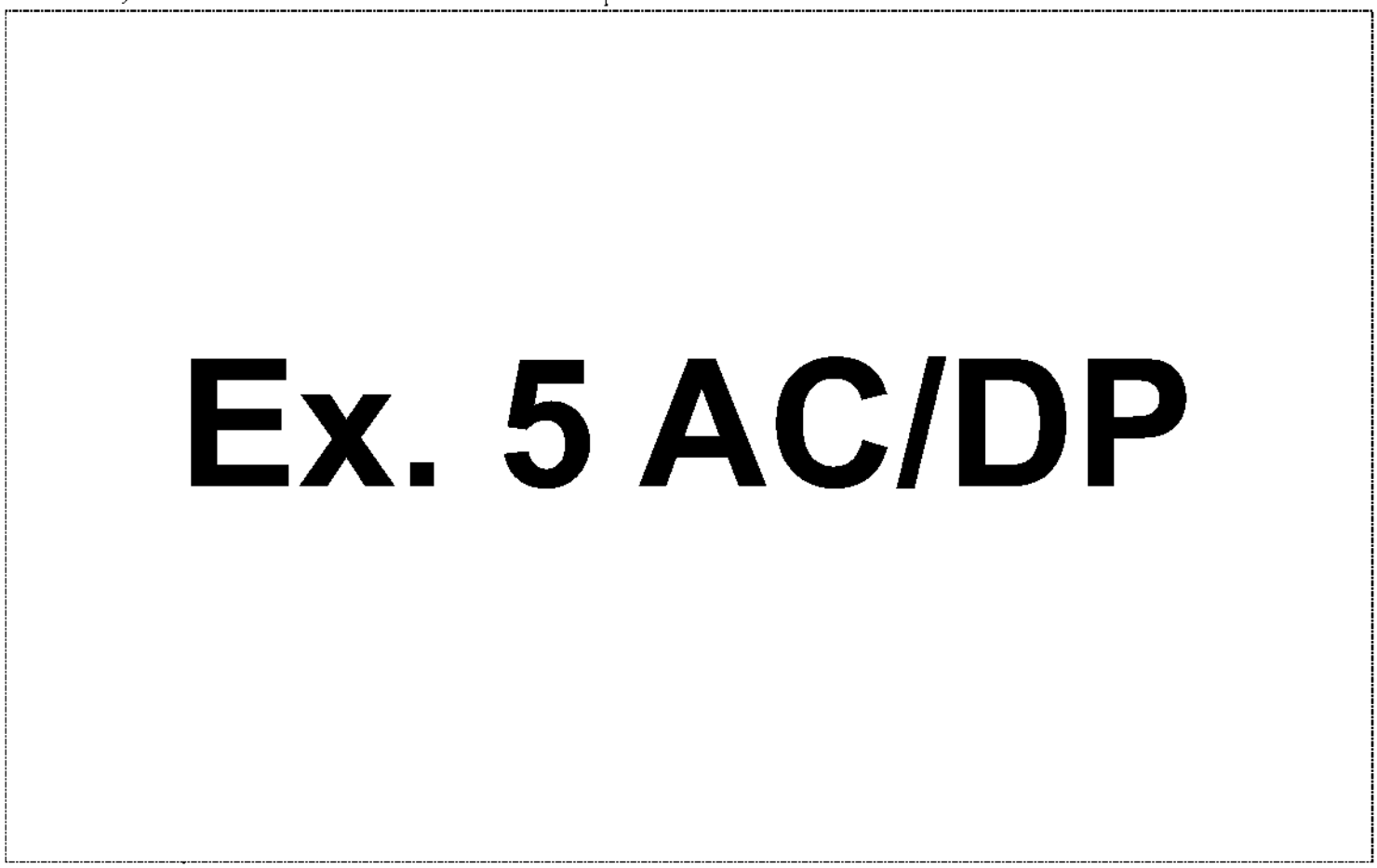
Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787

pronouns: he/him/his

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Monday, April 1, 2024 5:09 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

Hi Ryland and Adan –

1. I think we should set up a place on OneNote to share ACC II waiver files, drafts of the final decision, etc. I can have someone set that up – ok?



5. A few other initial comments in redline below.

David

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, April 1, 2024 4:12 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

Hi David and Adan,

You may have already seen these, but I'm sending along the final preamble and RTC for the light duty rule. Heavy duty is substantially similar on the legal points, so you can just look at light duty. I

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

David

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Li, Ryland (Shengzhi)
Sent: Monday, March 4, 2024 2:03 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: ACC II waiver - major question doctrine/ZEV

I have these on hand, so I thought I'd send to you both.

The preamble file discusses major questions in III.B.3.

The LMDV RTC section 2 file discusses major questions in the first response.

The LD2 comments has the comments. Look at Valero, API, AFPM, and Kentucky Attorney General.

The heavy-duty version (RTC_02_StandardsAuthority) has a slightly fuller MQD response in RTC 2.1, with the additional inclusion of tables 2 and 3. I don't think those are relevant for your purposes, but attaching that file as well FYA.

I look forward to talking about all this with you all after the vehicle rules are done.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Monday, March 4, 2024 1:54 PM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: ACC II waiver - major question doctrine/ZEV

Hi Adan

The comment period for the ACC II matter closed on 2/27/24. There are about 32,000 comments and I am guessing maybe 30-50 will be of some substance that EPA will want to consider (both for and against the waiver). Our contractor ICF is putting together a summary of the comments based on the outline of issue that I sent them.

Ex. 5 AC/DP

David

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 3/11/2024 9:48:00 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: FW: HDV RTC [redacted] Comments
Attachments: SAN 8952_RIN 2060-AV50_HDP3_RTC_CLEAN_12866 Comments-r2.docx

We have RTC written edits back from **Ex. 5 Deliberative Process (DP)** Ex. 5 AC/DP **Ex. 5 AC/DP**

From: Swisz-Hall, Naima <swisz-hall.naima@epa.gov>
Sent: Monday, March 11, 2024 5:24 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: FW: HDV RTC [redacted] Comments

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 5:22 PM
To: Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Subject: FW: HDV RTC [redacted] Comments

FYI. I will give Kim a call to figure out who the interagency reviewe[r] Ex. 5 Deliberative Process (DP) as I shared earlier.

From: Wilson, Kimberly C. EOP/OMB <**Ex. 6 Personal Privacy (PP)**>
Sent: Monday, March 11, 2024 5:06 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Oreska, Matthew P. EOP/OMB <**Ex. 6 Personal Privacy (PP)**>
Subject: HDV RTC [redacted] Comments

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Tuana,

Attached are Ex. 5 Deliberative Process (DP) comments on the HDV RTC.

In addition, an interagency reviewer would like a call on the RTC. They have provided the following times:

Tomorrow (3/12): 11:30am – 4:30pm

Let me know if you have any questions.

Kim Wilson
Policy Analyst

Message

From: Miller, Elizabeth [Miller.Elizabeth@epa.gov]
Sent: 3/12/2024 10:46:36 PM
To: Jung, Zoltan [Jung.Zoltan@epa.gov]; McDonald, Joseph (he/him/his) [McDonald.Joseph@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Ellies, Ben [ellies.ben@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Safoutin, Mike [safoutin.mike@epa.gov]
Subject: FW: E.O. 12866 Review - LDV (2060-AV49)
Attachments: SAN 8953_RIN 2060-AV49_LMDV 2027 Preamble_FRM 20240311_EO12866 530 pm comments.docx

Joe, Zoltan and Rylan:

Ex. 5 AC/DP

Thanks!
Beth

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Tuesday, March 12, 2024 5:42 PM
To: Moran, Robin <moran.robin@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Safoutin, Mike <safoutin.mike@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: FW: E.O. 12866 Review - LDV (2060-AV49)

Ex. 5 AC/DP

From: Oreska, Matthew P. EOP/OMB **Ex. 6 Personal Privacy (PP)**
Sent: Tuesday, March 12, 2024 5:34 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB **Ex. 6 Personal Privacy (PP)**
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Tuana,

I just received some additional comments on the preamble (attached). I understand that I'll receive the corresponding RIA comments soon.

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Tuesday, March 12, 2024 11:30 AM
To: 'Phillips, Tuana (she/her/hers)' <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Subject: E.O. 12866 Review - LDV (2060-AV49)

Good morning:

There are a few additional edit requests from reviewers Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

In addition to a few edits on the RTC (attached), reviewers also send the following Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

As also discussed, one reviewer has also asked for time to discuss the [redacted] with EPA this afternoon.

Thank you,

Matthew
P.S. – Thank you, Tuana, for confirming that EPA will make the edit in the attached RTC document that we discussed this morning.

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 6:15 PM
To: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Great, thanks!

From: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)>
Sent: Monday, March 11, 2024 6:09 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Thank you, Tuana. I was able to access the link and download the clean and RLSO RIA documents. I now have all six documents.

Thanks,

Matthew

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 6:04 PM
To: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hmm, do you mind trying again? I just gave you access to the parent page, and am hoping that will make it work.

Tuana

From: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)
Sent: Monday, March 11, 2024 5:57 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Thanks, Tuana. I'm currently getting a 'You don't have permission to view this page' error.

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 5:49 PM
To: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hi Matthew,

As expected, the RIA files are too large to send via email. I am uploading them shortly at the below MAX link which you should have access to.

Ex. 6 Personal Privacy (PP)

Once you see the files, if you could confirm that you've received all 6 documents, that would be great.

Thank you,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 5:11 PM
To: 'Oreska, Matthew P. EOP/OMB' [Ex. 6 Personal Privacy (PP)]
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the RLSO version of the RTC.

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 5:04 PM
To: Oreska, Matthew P. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the RLSO version of the preamble with EPA responses to interagency comments. I am sending you the RLSO version of the RTC next, and then the RIA.

Best,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 4:46 PM
To: Oreska, Matthew P. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the clean RTC.

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 4:27 PM
To: 'Oreska, Matthew P. EOP/OMB' [Ex. 6 Personal Privacy (PP)]
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Thanks Matthew. I am going to send you the preamble and RTC [redacted] now. First is the clean version of the preamble, which is attached.

Best,
Tuana

From: Oreska, Matthew P. EOP/OMB [Ex. 6 Personal Privacy (PP)]
Sent: Monday, March 11, 2024 3:05 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Tuana,

As discussed, I received some additional, technical comments today. We recognize that EPA plans to send a revised version with edits in response to other Ex. 5 Deliberative Process (DP) comments. Please go ahead and send those responses at your earliest availability. I am providing these comments for EPA's consideration now in the interest of time. All of the new comments should be highlighted and marked '3/11/24 COMMENT.'

Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs
Office of Management and Budget
Ex. 6 Personal Privacy (PP)

Message

From: Charmley, William (he/him/his) [charmley.william@epa.gov]
Sent: 4/26/2024 6:52:24 PM
To: Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

David

Thanks for this response. Certainly, we will support both the ARLO and DOJ team for getting prepared for these actions.

Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, April 26, 2024 8:34 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Thursday, April 25, 2024 8:23 PM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

David –

Ex. 5 AC/DP

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, April 25, 2024 6:18 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Cc: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

FYI, our DOJ attorneys would also like to sit in on this discussion so they can hear EDF's questions and our answers (so I would plan to forward the invite when it comes through)

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Thursday, April 25, 2024 10:46 AM
To: Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Cc: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

Dear all –

I received a request from EDF to meet with the EPA technical staff to discuss several sections of the HDP3 final RIA, and also similar analysis sections of the LMDV final rule RIA.

Here are the sections EDF has identified which they would like to ask the EPA staff some questions regarding:

HD Phase 3 Final Rule RIA

Ex. 5 AC/DP

Ex. 5 AC/DP

LMDV Final Rule RIA

Ex. 5 AC/DP

I would like us to accommodate this request, and as a starting point I would like to know who among the team leaders and technical staff are the correct folks to start with given these various sections of the RIAs, so I can than search calendars and work with EDF to set up a meeting.

If folks could get back with me later today or on Friday that would be great, and I will look for some meeting time options for later next week or the following.

Thanks
Bill

Message

From: Jung, Zoltan [Jung.Zoltan@epa.gov]
Sent: 4/29/2024 5:29:52 PM
To: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; McDonald, Joseph (he/him/his) [McDonald.Joseph@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Charmley, William (he/him/his) [charmley.william@epa.gov]
Subject: Resource Adequacy Technical Memorandum Cited in Latest EPA Stationary Source Rule

Good Afternoon,

An interesting article on the latest EPA EGU-related rules – and the role of *resource adequacy* – can be found in the latest installment of *Inside EPA*, which can be found here. (The article can also be found below in its entirety).

Ex. 5 Deliberative Process (DP)

Here are a few brief snippets from the article:

EPA's projections for changes in electricity supply and demand "align with recent peer-reviewed research and reports from [the Energy Department] and [National Renewable Energy Laboratory] in showing that the sector can meet growing demand for electricity and provide reliable, affordable electricity at the same time as it reduces pollution to protect health and the planet"

"...the projected impacts of the final rules on power system operations, under conditions preserving resource adequacy, are relatively modest and manageable," EPA says in a technical memo focused on "resource adequacy" issues.

"We project that the [GHG standards], whether alone or combined with other rules, are unlikely to adversely affect resource adequacy," EPA writes.

(EPA) Officials also conducted modeling of high demand growth assumptions, which only "further demonstrated that the rule will not interfere with grid operators' ability to ensure electric reliability,

"We (API) remain concerned that EPA's final rule fails to properly consider grid reliability and the need for new natural gas plants to maintain that reliability..."

And NRDC argued that "fossil fuel apologists" are offering tired reliability arguments, and that decades of experience with utility sector compliance with environmental standards "show that this is, to use the technical term, hogwash."

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Thank you and good day.

Zoltan

Power Sector Rules Bring 'Modest And Manageable' Grid Effects, EPA Says
April 26, 2024
Compliance with EPA's just-completed power plant greenhouse gas requirements and several other new rules for the sector will impose relatively few risks to adequate power supply, the agency says in new analysis, offering a rebuttal to attacks from industry and their allies that the rules will spark major reliability problems.

Even though some utilities may run their fossil fuel-fired plants less often or shutter them altogether rather than install carbon capture and storage (CCS) technology to comply with the GHG requirements, "the projected impacts of the final rules on power system operations, under conditions preserving resource adequacy, are relatively modest and manageable," EPA says in a technical memo focused on "resource adequacy" issues.

EPA assessed these concerns in the context of its April 25 power plant GHG rules alone, as well as alongside its air toxics, waste and water discharge requirements for power plants, and its recent passenger vehicle emissions rules that could spur increased power demand.

"We project that the [GHG standards], whether alone or combined with other rules, are unlikely to adversely affect resource adequacy," EPA writes.

The GHG rules require long-running coal plants and frequently operating new gas plants to slash 90 percent of their emissions by 2032, which the agency says will avoid 1.38 billion metric tons of carbon emissions.

Power sector and coal groups quickly slammed the rule in large part citing "reliability" concerns, of which resource adequacy is a component. Critics argue the rules push coal plants to retire too quickly, or dampen the buildout of new gas plants, and thus could cause a supply shortage amid expected increased electricity needs for various factors.

"At a time of rapid energy demand growth, we need policies that harness all of America's resources, including natural gas and renewables, to power our future economy and help ensure energy is affordable for families and businesses," American Petroleum Institute (API) executive Dustin Meyer writes in an April 25 statement.

"We remain concerned that EPA's final rule fails to properly consider grid reliability and the need for new natural gas plants to maintain that reliability," Meyer continues.

API asserts that growing demand from data centers and manufacturing will cause a nearly 10 percent annual demand growth in certain regions, "a pace not seen in decades." That means "our country needs more wind power, more solar power -- and more baseload resources like natural gas" rather than less.

But EPA insists that the grid can adapt to expected changes in the power mix, including via increased transmission.

And on an April 25 press call, Natural Resources Defense Council policy analysis chief Amanda Levin argued that "fossil fuel apologists" are offering tired reliability arguments, and that decades of experience with utility sector compliance with environmental standards "show that this is, to use the technical term, hogwash."

Environmentalists often flag that power plants met the Obama EPA's Clean Power Plan requirements a decade ahead of schedule, even though those rules never took effect, with no reliability challenges.

'Without Adverse Consequences'

Industry's dire reliability warnings contrast markedly with EPA's findings that "the rule can be implemented without adverse consequences," as stated in a separate technical analysis of resource adequacy specific to the GHG rule.

EPA's projections for changes in electricity supply and demand "align with recent peer-reviewed research and reports from [the Energy Department] and [National Renewable Energy Laboratory] in showing that the sector can meet growing demand for electricity and provide reliable, affordable electricity at the same time as it reduces pollution to protect health and the planet," the agency says in a fact sheet on the GHG rule.

Officials also conducted modeling of high demand growth assumptions, which only "further demonstrated that the rule will not interfere with grid operators' ability to ensure electric reliability," the fact sheet adds.

Specifically, EPA finds that any projected power plant retirements attributed to compliance with its new power sector rules are offset by relying on excess reserves and transmission between regions.

The analyses detail how many incremental retirements EPA expects from the rules. In the technical memo addressing the GHG rules and the other measures, EPA finds that in 2035, compliance could cause 24 gigawatts (GW) of coal capacity retirements and 5 GW oil and gas steam plant retirements, while 11 GW of gas plant capacity is added along with 16 GW of wind, 5 GW of solar, and 8 GW of battery storage.

These additional changes are far smaller than the 79 GW of coal plant retirements and 20 GW of gas plant closures occurring by 2035 under the baseline scenario, EPA says, driven by broader market forces and the 2022 climate law. It adds that the "incremental reduction in coal capacity represents 1.4 percent of total operational capacity of all types in 2035."

EPA says the resource mix described under its modeling of compliance with the rules would meets North American Electric Reliability Corporation (NERC) reserve margins and other reliability requirements.

The agency's analysis solely focused on the GHG rule reflects similar changes to the power mix -- underscoring that most of the effects from the suite of regulations are attributed to the GHG standards.

Reliability Mechanisms

In the final rule, EPA also made "several adjustments" from the proposed version to alleviate industry's reliability concerns. Such flexibilities include another two years for coal plants to install CCS than proposed -- though EPA also moved up its deadline for new baseload gas plants to install CCS.

States writing compliance strategies for existing facilities can also use emissions averaging and trading, and they can ask for a one-year compliance extension for installing technologies due to unexpected delays outside their control, like permit delays.

The rule also includes two reliability-specific mechanisms: a short-term element allowing affected plants to run above their standard of performance for a limited time during periods of grid stress, and a second instrument that allows plants planning to retire by a certain date to instead remain online temporarily to support reliability.

The reliability fact sheet notes EPA will seek the Federal Energy Regulatory Commission's advice for extensions of over six months.

Regarding those two mechanisms, NRDC senior attorney Meredith Hankins says they are "pretty limited" and "very carefully cabined," including because operators must apply for them and they are not automatically granted.

"We don't see this as something that will weaken the rule or allow it to be undermined," she said.

Additionally, states in their plans for existing plants can apply less-strict pollution controls than federal guidelines if they can show plants have "fundamental difference between the information the EPA considered on reliability and the circumstances of the specific unit."

EPA outlined the bounds of this flexibility, known as "remaining useful life and other factors" (RULOF), in an October rule, though Republican-led states are challenging this rule in court out of concerns that is constrains their authority under the Clean Air Act.

EPA in the rule says it expects the use of RULOF to be "rare," as states can first use the rule's more temporary reliability mechanisms.

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Message

From: Cullen, Angela [cullen.angela@epa.gov]
Sent: 4/25/2024 7:30:12 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]; Wang, Alex (he/him/his) [Wang.Alex@epa.gov]; Swisz-Hall, Naima [swisz-hall.naima@epa.gov]; Mitchell, George [Mitchell.George@epa.gov]; Yanca, Catherine (she/her/hers) [yanca.catherine@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Ellies, Ben [ellies.ben@epa.gov]; Miller, Elizabeth [Miller.Elizabeth@epa.gov]
CC: Durch, Kyle [Durch.Kyle@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Choi, David [Choi.David@epa.gov]; Sherwood, Todd [sherwood.todd@epa.gov]
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

In addition to those mentioned, please include Michael Shelby and Dan Tanner for HD RIA Chapter 6.5. I also would like to participate.

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Thursday, April 25, 2024 2:59 PM
To: Orlin, David <Orlin.David@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>; Sherwood, Todd <sherwood.todd@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

I would as well if I am in the office but please do not feel the need to work around my calendar.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, April 25, 2024 2:58 PM
To: Moran, Robin <moran.robin@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>; Sherwood, Todd <sherwood.todd@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

I'd also like to be included. thanks

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Moran, Robin <moran.robin@epa.gov>
Sent: Thursday, April 25, 2024 2:57 PM
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Cc: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>; Sherwood, Todd <sherwood.todd@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

For the LMDV topic, please include Todd (in addition to folks that Kathryn already mentioned). I would also like to participate, and suggest that Mike O and Kevin Bolon also join.

Robin

From: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>
Sent: Thursday, April 25, 2024 1:13 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: RE: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

My suggestions (others should feel free to overrule) for HDP3 EGU and Refinery Emissions Analysis (Ch 4.2.4 and 4.2.5) would be Molly Zawacki, Evan Graham-Murray, and Lester Wyborny.
I'll let others make suggestions for the other two items.

I am happy to listen to the actual meeting, but as I will be out for a few weeks, I'm assuming it will happen while I'm gone.

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Thursday, April 25, 2024 10:46 AM
To: Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Mitchell, George <Mitchell.George@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Yanca, Catherine (she/her/hers) <yanca.catherine@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Bolon, Kevin <Bolon.Kevin@epa.gov>; Ellies, Ben <ellies.ben@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>
Cc: Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Choi, David <Choi.David@epa.gov>
Subject: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

Dear all –

I received a request from EDF to meet with the EPA technical staff to discuss several sections of the HDP3 final RIA, and also similar analysis sections of the LMDV final rule RIA.

Here are the sections EDF has identified which they would like to ask the EPA staff some questions regarding:

HD Phase 3 Final Rule RIA

Ex. 5 AC/DP

LMDV Final Rule RIA

Ex. 5 AC/DP

I would like us to accommodate this request, and as a starting point I would like to know who among the team leaders and technical staff are the correct folks to start with given these various sections of the RIAs, so I can than search calendars and work with EDF to set up a meeting.

If folks could get back with me later today or on Friday that would be great, and I will look for some meeting time options for later next week or the following.

Thanks
Bill

Message

From: Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]
Sent: 5/10/2024 1:19:22 PM
To: Hunter Oliver [hunter.oliver@dot.gov]; Erin [erin.hendrixson@dot.gov]; Michael [michael.kuppersmith@dot.gov]; Dickinson, David [Dickinson.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Subject: Fwd: 19-1230 Union of Concerned Scientists v. NHTSA "Order Filed (CLERK)" (NHTS-84FR51310)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Ex. 5 AC/AWP

Chloe

Begin forwarded message:

From: ecfnoticing@cadc.uscourts.gov
Date: May 10, 2024 at 3:04:48 PM GMT+2
To: "Kolman, Chloe (ENRD)" <Chloe.Kolman@usdoj.gov>
Subject: 19-1230 Union of Concerned Scientists v. NHTSA "Order Filed (CLERK)" (NHTS-84FR51310)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 05/10/2024 at 8:59:06 AM Eastern Daylight Time and filed on 05/10/2024

Case Name:	Union of Concerned Scientists v. NHTSA
Case Number:	19-1230
Document(s):	Document(s)

Docket Text:
CLERK'S ORDER [2053775] filed considering response [2053757-2]; directing parties to file motions to govern future proceedings by 07/09/2024 [19-1230, 19-1239, 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, 19-1249, 20-1175, 20-1178]

Notice will be electronically mailed to:

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Mr. Misha Tseytlin: Misha.tseytlin@troutman.com, anthony.orlando@troutman.com, litigationdocketrequests@troutman.com
Caroline S. Van Zile, Deputy Solicitor General: caroline.vanzile@dc.gov, osg.civilintake@dc.gov
Stacey Lynn VanBelleghem: Stacey.VanBelleghem@lw.com, stacey-vanbelleghem-3161@ecf.pacerpro.com, washington-dc-litigation-services-5378@ecf.pacerpro.com
Nicholas M. Vaz: nvaz@riag.ri.gov, acarney@riag.ri.gov
Randi Wallach, Assistant Counsel: randi@wallachconsulting.com, mvinluanchan@baaqmd.gov
Mr. Charles S. Warren, Attorney: cwarren@kramerlevin.com
Gillian E. Wener, Assistant Attorney General: wenerg@michigan.gov, gibsonj16@michigan.gov
Jonathan Andrew Wiener: jonathan.wiener@doj.ca.gov
Mr. Michael Ray Williams: michael.r.williams@wvago.gov, choffman@wvago.gov
Mr. Daniel Woofter: dhwoofter@goldsteinrussell.com, cocvans@goldsteinrussell.com
Hannah Yindra: hannah.yindra@vermont.gov
Mr. Peter Michel Zalzal, Attorney: pzalzal@edf.org
Mr. David Alexander Zonana, Deputy Attorney General: david.zonana@doj.ca.gov

Ms. Cara Ann Horowitz: horowitz@law.ucla.edu (*daily summary*)

Document to be served by alternative means on:

Mr. Michael Alan McCrory Wilson
Office of the Attorney General, State of South Carolina
PO Box 11549
Columbia, SC 29211

The following document(s) are associated with this transaction:
Document Description: Order Sent
Original Filename:
/opt/ACECF/live/forms/CatherineLavender_191230_2053775_F_HIADirectPartyFileMotiontoGovern_157.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=05/10/2024] [FileNumber=2053775-0]
[7c2020d7b0afb4a09d5a149d4c227642f8189ac7529bca9101bfb46c8404ff453c61d017ca220cc928c18d763dfa5255dbcb61228b399f4ca927b48a1a0cc90c]]
Recipients:

- Mr. David Ellis Adelman
- Emma Akrawi, Assistant Attorney General
- Ms. Barbara Beth Baird, Deputy Chief Counsel
- James A. Barta
- Mr. Jonathan Andrew Berry
- Alexander Chapoton Ryan Bond
- Mr. Nicholas J. Bronni, Deputy Solicitor General
- Mr. Thomas Ross Brugato
- Michael Burger, Attorney

- Sue Si Chen, Trial Attorney
- Sara A. Colangelo
- Mr. Paul Robert Cort
- Daniel R Dertke
- Sean H. Donahue
- Mr. David D. Doniger, Counsel
- Ms. Elizabeth Dubats
- Mr. Sean T.H. Dutton
- Aaron Scott Farmer
- Ian Fein
- Mr. Thomas M. Fisher, Solicitor General
- Kevin Michael Gallagher
- Mr. Bayron Gilchrist, General Counsel
- Maya Golden-Krasner
- C. Boyden Gray
- Emily Green
- Mr. Javier M. Guzman
- Mr. Gary S. Guzy, Attorney
- David Jonathan Hacker, Special Counsel
- Benjamin Harris
- Alice Henderson
- Katherine Hoff
- Mrs. Melissa Holyoak, Attorney
- Ms. Cara Ann Horowitz
- Andrea Issod
- Mr. Gabe Johnson-Karp
- Mr. Daryl Langdon Joseffer
- Robb William Kapla, Attorney
- Ms. Chloe Hamity Kolman
- Mr. Edmund Gerard LaCour, Jr.
- Theodore Lamm
- Justin D. Lavene, Assistant Attorney General
- Shana Lazerow
- Sean A. Lev, Attorney
- Mr. Jacob Levine, Attorney
- Mr. Martin Levy, Attorney
- Jack Lienke
- Mr. Jeremy C Marwell

- Mr. Jared Paul Marx, Attorney
- Mr. Eric Dean McArthur, Attorney
- Caitlan L. McLoon, Deputy Attorney General
- Margaret Elaine Meckenstock
- Mr. Robert Michaels
- Ms. Karen King Mongoven
- Mr. Patrick J. Morrisey
- Jessica Morton
- Jon Alan Mueller
- Mrs. Elizabeth Baker Murrill, Assistant Attorney General
- Mr. Scott Lawrence Nelson
- Mrs. Alejandra Nunez, Senior Attorney
- Devin O'Connor
- Ms. Vera P. Pardee
- Ms. Vickie Lynn Patton
- Ms. Margaret Elizabeth Peloso
- Stephen John Petrany, Attorney
- Kathrine Currie Pittard
- Mr. Kevin James Poloncarz, Attorney
- Stanford Purser
- Mr. Christopher Huriaux Reitz, Assistant Attorney General
- Richard L. Revesz, Director
- Mr. Donald Lynn Ristow, Jr.
- Kathryn Roberts, District Counsel
- Martha Roberts
- Carolyn Rowan
- Mr. Matthew J. Sanders
- Mr. Max Sarinsky
- Dean John Sauer, Attorney
- Seth Gardner Schofield, Assistant Attorney General
- Michael Benjamin Schon, Attorney
- Ms. Lindsay S. See
- Deborah A. Sivas
- Mr. James Emory Smith, Jr., Assistant Attorney General
- Ariel E. Solaski, Attorney
- Joanne Marie Spalding
- Ms. Mathura Sridharan
- Shannon Wells Stevenson

- Mr. Judd E. Stone, II
- Michael F. Strande, Assistant Attorney General
- Anchun Jean Su
- Mr. Gary Edward Tavetian, Attorney
- Mr. Brian Scott Tomasovic, Senior Deputy District Counsel
- Mr. Misha Tseytlin
- Caroline S. Van Zile, Deputy Solicitor General
- Stacey Lynn VanBelleghem
- Nicholas M. Vaz
- Randi Wallach, Assistant Counsel
- Mr. Charles S. Warren, Attorney
- Gillian E. Wener, Assistant Attorney General
- Jonathan Andrew Wiener
- Mr. Michael Ray Williams
- Mr. Michael Alan McCrory Wilson
- Mr. Daniel Woofter
- Hannah Yindra
- Mr. Peter Michel Zalzal, Attorney
- Mr. David Alexander Zonana, Deputy Attorney General

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 5/14/2024 4:14:47 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: certified indices for Kentucky and Texas Corn Producers/upcoming leave
Attachments: draft LMDV certified index signature page 5-1-24.docx; draft fuel economy certified index signature page .docx; EPA Certified Index for the LMDV Multi-Pollutant Emissions Standards (5-13-24).xlsx; EPA Certified Index for fuel economy test procedures 5-14.xlsx

Hi Ryland,

OTAQ and I have put together the draft index and certification for both the Fifth Circuit challenge to the fuel economy regs and the DC Circuit challenge to the LMDV rule. The LMDV index is due June 3, and the fuel economy index is due June 5. I wanted to check in on the schedule for filing these, particularly since I am on leave beginning May 20, back on May 29 and Seth is returning (I believe) June 4.

Ex. 5 AC/AWP

The LMDV index is more straightforward—it's everything in the docket except comments that came in after December 15 and EO12866 materials. Ex. 5 AC/AWP

Ex. 5 AC/AWP

I don't know if there's anything else you want to chat about before I head out. The procedural motions deadline in LMDV is May 20 but I am not sure there's anything to do in advance of that.

Thanks,

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Message

From: Durch, Kyle [Durch.Kyle@epa.gov]
Sent: 4/30/2024 5:29:05 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Schwartz, Adan [Schwartz.Adan@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Cal waiver related docs
Attachments: 2006 Partial ZEV Waiver.pdf; AFPM ACC2 (2).pdf; IL Corn Growers ACC2.pdf

Hi Susannah,

Ex. 5 AC/DP

Let us know if you have any additional requests or thoughts for consideration as we dig into these issues. Thanks!

Best,

Kyle Durch (he/him)
US EPA, Office of General Counsel
(202) 564-1809

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (202) 564-1809.

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, April 30, 2024 11:42 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Cal waiver related docs

Hi Adan and Kyle,

Ex. 5 AC/DP

Thanks!
Susannah

Susannah Landes Weaver
Deputy General Counsel

Office of General Counsel
Environmental Protection Agency
(202) 564-1928 (office)
(202) 819-6517 (mobile)

Please note that I may have sent this note outside regular business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 5/16/2024 7:03:36 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: FW: GN FIP - Mobile Sources
Attachments: 23_1157_Wisconsin_Opening_Brief.pdf; Document5.docx; Final Good Neighbor Plan, 88 FR 36654 (June 5, 2023).pdf; 2015 O3T SIP Disapprovals_RTC.pdf

CUI//PRIVILEGE

Hi Ryland –

I don't know that this requires any heavy involvement from the mobile source group, but wanted to make you aware of an issue in the Good Neighbor Plan litigation. We are working w DOJ on drafting the merits brief right now and will have a first draft to review next week.

Ex. 5 AC/AWP/DP

Thanks,
Dan

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel
Sent: Thursday, May 16, 2024 2:43 PM

To: Palenik, Zoe (ENRD) <Zoe.Palenik@usdoj.gov>
Subject: RE: GN FIP - Mobile Sources

Ex. 5 AC/AWP/DP

From: Palenik, Zoe (ENRD) <Zoe.Palenik@usdoj.gov>
Sent: Thursday, May 16, 2024 2:22 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: GN FIP - Mobile Sources

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Dan,

Ex. 5 AC/AWP/DP

I know this is a potentially sensitive issue, so I wanted to make sure we don't go further than we need to.

Thank you,
Zoe

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 5/15/2024 5:10:01 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: certified indices for Kentucky and Texas Corn Producers/upcoming leave
Attachments: EPA Certified Index for the LMDV Multi-Pollutant Emissions Standards (5-13-24).pdf; draft LMDV certified index signature page 5-1-24.docx

Neither I nor Sue Chen see any advantage in filing the index early so I am going to re-attach for convenience the PDF version of the index and the word version of the certification in case you need them for whatever reason but otherwise I will leave myself a reminder to get the certification signed when I get back.

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, May 15, 2024 11:36 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: certified indices for Kentucky and Texas Corn Producers/upcoming leave

Thanks for taking care of both these, David.

That sounds reasonable on the fuel economy case.

Ex. 5 AC/AWP

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, May 14, 2024 12:15 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: certified indices for Kentucky and Texas Corn Producers/upcoming leave

Hi Ryland,

OTAQ and I have put together the draft index and certification for both the Fifth Circuit challenge to the fuel economy regs and the DC Circuit challenge to the LMDV rule. The LMDV index is due June 3, and the fuel economy index is due

June 5. I wanted to check in on the schedule for filing these, particularly since I am on leave beginning May 20, back on May 29 and Seth is returning (I believe) June 4.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

I don't know if there's anything else you want to chat about before I head out. The procedural motions deadline in LMDV is May 20 but I am not sure there's anything to do in advance of that.

Thanks,

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 5/15/2024 1:34:12 PM
To: Nelson, Brian [nelson.brian@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Internal Check In re CARB's HD Omnibus Low NOx waiver request
Attachments: FINAL Omnibus Waiver.pdf; Submission of CARB late comment on HD NOx 3-27-2023.docx; Final Agreement between CARB and EMA 2023_06_27 (004).pdf; 3 HD waiver FR final decision draft For Review - 2-10-2023_an.docx

All –

I thought it would be helpful to attach some primary documents here that can help inform how EPA may proceed once the supplemental information is received from CARB regarding its recent amendments that affect the 2024-2026 standards (the amendments did not touch the 2027 and later MY stds – more below on this).

1. Attached is CARB's Omnibus Low NOx (Omnibus) 1/31/2022 waiver request.
2. Here is the link to EPA's 6/13/2022 FR Notice for Comment - https://www.govinfo.gov/content/pkg/FR-2022-06-13/pdf/2022-12719.pdf
3. Here is EPA's 4/6/2023 HD ACT waiver decision – Ex. 5 AC/DP

Ex. 5 AC/DP

4. Attached is CARB's request for EPA to "defer action" on the Omnibus waiver determination.
5. Attached is a copy of the CARB and EMA agreement on how CARB will proceed on amending the Omnibus regulation. Ex. 5 AC/DP

Ex. 5 AC/DP

6. Attached is a draft copy of the HD ACT/Omnibus waiver (before Omnibus was taken out and just HD ACT waiver was issued) – Ex. 5 AC/DP

Ex. 5 AC/DP

a. Here is a link to CARB's amendment page: https://ww2.arb.ca.gov/rulemaking/2023/hdomnibus2023
b. Here is a link to CARB's FSOR – it includes opposition to the waiver and the process, etc – see pages . Also see page 44 re impacts on section 177 states.
https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2023/hdomnibus2023/hd-omnibus_fsor.pdf
8. EMFAC/SIP – for a later time to discuss.
9. Other: https://insideepa.com/daily-news/carb-relax-truck-nox-rules-address-possible-my24-26-shortage https://insideepa.com/daily-news/truckers-raise-new-concerns-carb-s-my-24-26-heavy-duty-nox-rule CTA and others may sue EPA on waiver process??

From: Dickinson, David
Sent: Wednesday, May 8, 2024 2:33 PM
To: Dickinson, David; Nelson, Brian; Patulski, Meg; Schwartz, Adan; Li, Ryland (Shengzhi)
Subject: Internal Check In re CARB's HD Omnibus Low NOx waiver request
When: Wednesday, May 15, 2024 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

All

Please include others as you see fit.

CARB is going thru final CA OAL process on its 2024-2026 MY reg changes which should be done end of May 2024 – then CARB plans to submit an "update" to EPA. CARB's 2027 and later MY standards remain unchanged although CARB has an MOU with EMA for CARB staff to bring to CARB Board possible reg changes for those years which may more closely align with EPA's standards that commence in that model year.

The purpose of this meeting is to discuss expectations re CARB's update submission and how that relates to EPA's assessment of options for how to move forward on this waiver.

Brian – having a tough time reading your schedule…

David D

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 271 230 525 624

Passcode: mFDbf4

Dial-in by phone

+1 202-991-0477,,710589569# United States, Washington DC

Find a local number

Phone conference ID: 710 589 569#

Join on a video conferencing device

Tenant key: sip:teams@video.epa.gov

Video ID: 116 932 849 2

More info

For organizers: Meeting options | Reset dial-in PIN

This meeting may be recorded. If the meeting is recorded, it will be announced via a banner showing "this meeting is being recorded." Participation in a recorded meeting will be deemed as consent to be recorded. Meeting recordings may be official agency records subject to appropriate policy, rules and regulations.

Message

From: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Sent: 5/17/2024 2:58:03 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Hi Ryland,

DOJ said although they intervenors state it, they think they'd be intervening on EPA's behalf. I asked DOJ to let us know once they have clarity on whether that's the case. (We're all assuming they're intervening on our behalf, but who knows.)

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, May 17, 2024 10:45 AM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

That's fine. Thanks Stacey. Also, I assume these folks are all intervening on our behalf? I think there are some times when people intervene for petitioners and we object, for example, for lack of Article III standing.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Friday, May 17, 2024 10:27 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: FW: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Hi Ryland,

See below. **Ex. 5 AC/AWP** Thanks!

From: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Sent: Friday, May 17, 2024 9:09 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: FW: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Andrea and Stacey,

A group of environmental groups is planning to intervene in the HD vehicle litigation. They've asked for our position on intervention by COB today; I wanted to ask if you have any objection. We've asked EDF for the specific groups represented by Clean Air Task Force and can let you know when they respond.

Thanks,

Alex Hardee
Trial Attorney
Environmental Defense Section
202-305-5105

From: Andy Su <asu@edf.org>
Sent: Thursday, May 16, 2024 4:57 PM
To: eric.hamilton@nebraska.gov; zachary.pohlman@nebraska.gov; justin.smith@james-olis.com; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Cc: Megan Herzog <megan@donahuegoldberg.com>
Subject: [EXTERNAL] Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Dear Counsel:

I'm writing to seek the petitioners' and the respondent's position on a motion for leave to intervene that is to be filed in the above cases on behalf of a set of non-governmental organizations including Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Public Citizen, Sierra Club, and environmental and health groups represented by Clean Air Task Force.

We would appreciate your position by the close of business on Friday, May 17. Thank you and please reach out if there are any questions.

Best regards,

Andy Su

Andy Su (he/him)
Attorney, Clean Transportation

asu@EDF.org

C 541 968-9729

Environmental Defense Fund

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 5/17/2024 7:18:51 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Ex. 5 AC/AWP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, May 17, 2024 12:32 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Thanks. That's fine.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Friday, May 17, 2024 12:31 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>
Subject: FW: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Hi Ryland,

DOJ confirmed that environmental intervenors would be intervening on our behalf. **Ex. 5 AC/AWP**

Ex. 5 AC/AWP

LD. Thoughts?

From: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Sent: Friday, May 17, 2024 12:28 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Stacey: I've confirmed that intervention would be on behalf of EPA and the groups represented by Clean Air Task Force are:

- Alliance of Nurses for Healthy Environments
- American Lung Association
- American Public Health Association
- Appalachian Mountain Club
- Clean Air Council

Ex. 5 AC/AWP

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Friday, May 17, 2024 10:57 AM
To: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: [EXTERNAL] RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Okay, thanks, Alex! Once we have certainty on that, it would be helpful to know.

From: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Sent: Friday, May 17, 2024 10:55 AM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

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Thanks, Stacey. Although they do not state it, I think they'd be intervening on EPA's behalf.

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Friday, May 17, 2024 10:47 AM
To: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: [EXTERNAL] RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Hi Alex,

Ex. 5 AC/AWP

From: Garfinkle, Stacey
Sent: Friday, May 17, 2024 10:30 AM
To: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD)

<Jin.Hyung.Lee@usdoj.gov>
Subject: RE: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Thanks, Alex. **Ex. 5 AC/AWP** I'm confirming with my management and will follow up shortly.

From: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Sent: Friday, May 17, 2024 9:09 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: FW: Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

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Thanks,

Alex Hardee
Trial Attorney
Environmental Defense Section
202-305-5105

From: Andy Su <asu@edf.org>
Sent: Thursday, May 16, 2024 4:57 PM
To: eric.hamilton@nebraska.gov; zachary.pohlman@nebraska.gov; justin.smith@james-otis.com; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Cc: Megan Herzog <megan@donahuegoldberg.com>
Subject: [EXTERNAL] Nebraska v. EPA, D.C. Cir. No. 24-1129 and Warren Petersen v. EPA, D.C. Cir. No. 24-1133

Dear Counsel:

I'm writing to seek the petitioners' and the respondent's position on a motion for leave to intervene that is to be filed in the above cases on behalf of a set of non-governmental organizations including Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Public Citizen, Sierra Club, and environmental and health groups represented by Clean Air Task Force.

We would appreciate your position by the close of business on Friday, May 17. Thank you and please reach out if there are any questions.

Best regards,

Andy Su

Andy Su (he/him)
Attorney, Clean Transportation

asu@EDF.org

C 541 908-8729



Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 5/21/2024 2:12:35 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: The use of Chevron

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, May 21, 2024 8:23 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: The use of Chevron

Some more thoughts from me in blue.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Schwartz, Adan <Schwartz.Adan@epa.gov>
Sent: Monday, May 20, 2024 9:25 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: The use of Chevron

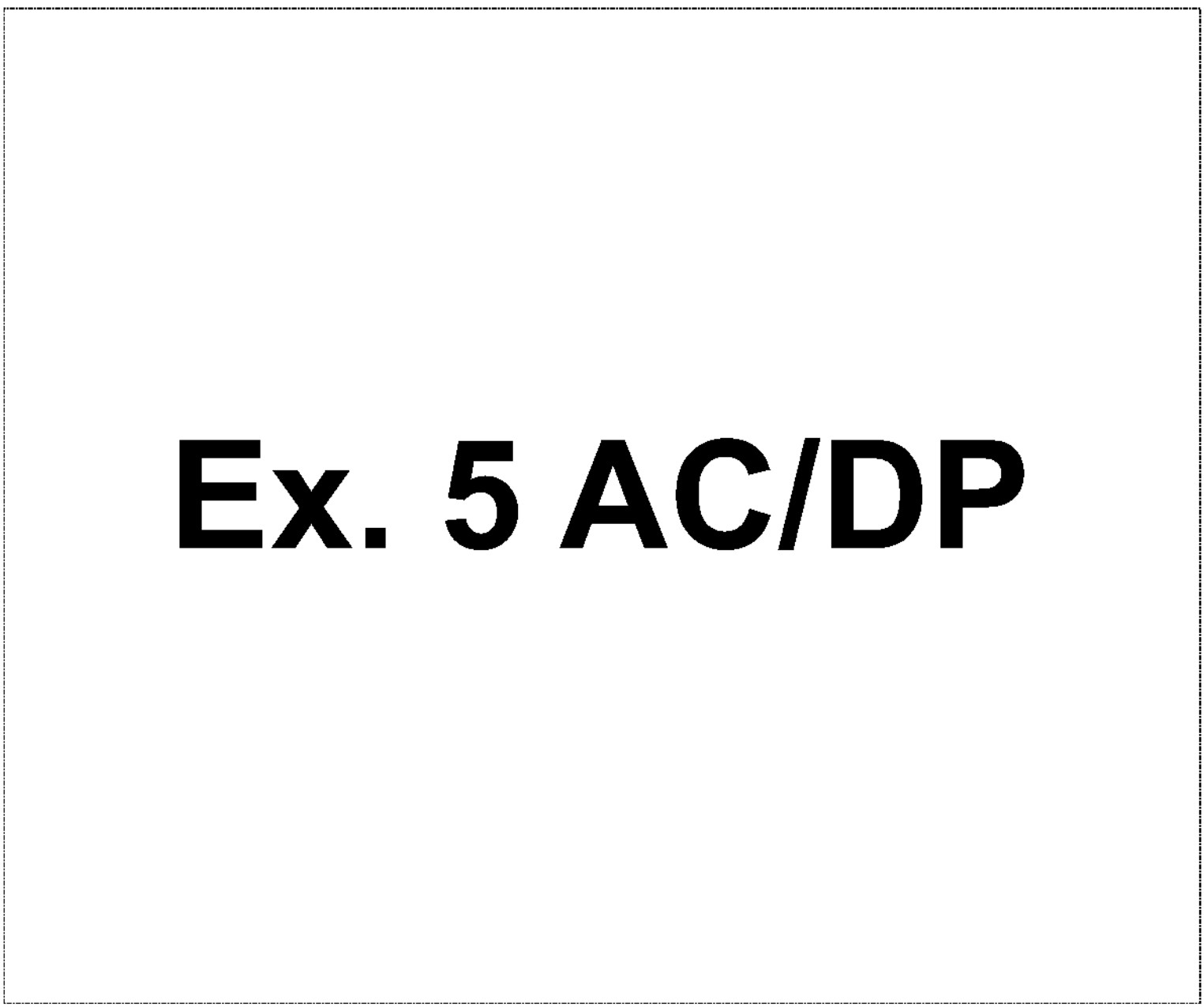
Ex. 5 AC/DP

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Monday, May 20, 2024 2:31 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: The use of Chevron

Reactions?

From: Dickinson, David
Sent: Friday, May 17, 2024 6:35 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: The use of Chevron

Good morning



Ex. 5 AC/DP

Thoughts?

Message

From: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 4/30/2024 4:46:38 PM
To: Durch, Kyle [Durch.Kyle@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Cal waiver related docs
Attachments: AFPM ACC2 (2).pdf; IL Corn Growers ACC2.pdf

Ex. 5 AC/DP

From: Durch, Kyle <Durch.Kyle@epa.gov>
Sent: Tuesday, April 30, 2024 12:14 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Cal waiver related docs

Hi David,

Ex. 5 AC/DP

Best,

Kyle Durch (he/him)
US EPA, Office of General Counsel
(202) 564-1809

This email, including attachments, may contain information that is confidential and/or protected by the attorney/client or other privileges. If you are not an intended recipient, please delete this email, including attachments, and notify me by email or at (202) 564-1809.

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, April 30, 2024 11:42 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Cal waiver related docs

Hi Adan and Kyle,

Ex. 5 AC/DP

Thanks!
Susannah

Susannah Landes Weaver
Deputy General Counsel
Office of General Counsel
Environmental Protection Agency
(202) 564-1928 (office)
(202) 819-6517 (mobile)

Please note that I may have sent this note outside regular business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

Message

From: Schachter, Scott (ENRD) [Scott.Schachter@usdoj.gov]
Sent: 4/8/2024 1:38:09 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
CC: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: FW: PEF litigation
Attachments: 24-1721_Petition for Review.pdf; 24-1721 Docket.pdf

Flag: Follow up

CUI//PRIVILEGE

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Some states in the 8th circuit are located in my epa region 1, 5, 7, 8 geographic area of responsibility, and others are not. But I am responsible for only district court cases, not petitions for review in the courts of appeals. ENRD, environmental defense section (EDS) assistant section chief Jessica o'donnell is responsible for supervising EDS petitions for review in the courts of appeals, like this one.

scott a. schachter
(doj cell) 202.532.5549
(doj landline) 202.514.4632
scott.schachter@usdoj.gov

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, April 8, 2024 9:25 AM
To: Schachter, Scott (ENRD) <Scott.Schachter@usdoj.gov>
Subject: [EXTERNAL] FW: PEF litigation

CUI//PRIVILEGE

Hi Scott –

Does this 8th Circuit case fall within your group? Or is this something Civil or another part of DOJ would handle?

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Monday, April 8, 2024 9:09 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: PEF litigation

CUI//PRIVILEGE

Hi Gautam and Ryland,

Ex. 5 AC/AWP

Thanks,
Susannah

Susannah Landes Weaver
Deputy General Counsel
Office of General Counsel
Environmental Protection Agency
(202) 564-1928 (office)
(202) 819-6517 (mobile)

Please note that I may have sent this note outside regular business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

Controlled by U.S. Environmental Protection Agency

Message

From: Phillips, Tuana (she/her/hers) [phillips.tuana@epa.gov]
Sent: 3/13/2024 10:44:07 PM
To: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; McDonald, Joseph (he/him/his) [McDonald.Joseph@epa.gov]; Jung, Zoltan [Jung.Zoltan@epa.gov]; Safoutin, Mike [safoutin.mike@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Ellies, Ben [ellies.ben@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Burke, Susan (she/her/hers) [Burke.Susan@epa.gov]; Miller, Elizabeth [Miller.Elizabeth@epa.gov]
Subject: FW: E.O. 12866 Review - LDV (2060-AV49)
Attachments: SAN 8953_RIN 2060-AV49_LMDV 2027 Preamble_FRM 20240313_EO12866 3-13-24 comment.docx; SAN 8953_RIN 2060-AV49_LMDV 2027 RTC_FRM 20240313_EO12866_RLSO 3-13-24 comment.docx

See attached.

From: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP)
Sent: Wednesday, March 13, 2024 6:32 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

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Good evening, Tuana,

There were about a dozen follow-up comments from reviewers on the preamble and RTC. All of the new comments should be labeled '3/13/24 comment.'

Thanks,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Wednesday, March 13, 2024 2:04 PM
To: 'Phillips, Tuana (she/her/hers)' <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Thank you, Tuana. Received.

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Wednesday, March 13, 2024 1:32 PM
To: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP) Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB <Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the RTC RSLO <Ex. 6 Personal Privacy (PP)

Best,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Wednesday, March 13, 2024 1:27 PM
To: Oreska, Matthew P. EOP/OMB < Ex. 6 Personal Privacy (PP) Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB
Ex. 6 Personal Privacy (PP) >
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hi Matthew,

Please see our preamble RLSO [redacted] ttached. I am sending the RTC shortly.

Best,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Wednesday, March 13, 2024 11:11 AM
To: 'Oreska, Matthew P. EOP/OMB' Ex. 6 Personal Privacy (PP) ; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; 'Wilson, Kimberly C. EOP/OMB'
Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hi Matthew,

As we discussed earlier, we may need to meet with an interagency reviewer later today. For this tentative meeting, should we aim for sometime 3-5 PM? That would work for the EPA team.

Best,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Tuesday, March 12, 2024 8:55 PM
To: 'Oreska, Matthew P. EOP/OMB' < Ex. 6 Personal Privacy (PP) Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB
Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Received. Thanks, Matthew.

From: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP) >
Sent: Tuesday, March 12, 2024 8:50 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB
Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Tuana,

The RIA comments are attached.

Best,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Tuesday, March 12, 2024 8:27 PM
To: 'Phillips, Tuana (she/her/hers)' <phillips.tuana@epa.gov>; 'Corona, Elizabeth' <Corona.Elizabeth@epa.gov>
Cc: 'Mroz, Jessica (she/her/hers)' <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB
Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hi Tuana,

Interagency reviewers just provided the attached RTC comments. They're working on transmitting their RIA comments now but are experiencing some issues, given the file size.

Best,

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Tuesday, March 12, 2024 5:34 PM
To: 'Phillips, Tuana (she/her/hers)' <phillips.tuana@epa.gov>; 'Corona, Elizabeth' <Corona.Elizabeth@epa.gov>
Cc: 'Mroz, Jessica (she/her/hers)' <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB
Ex. 6 Personal Privacy (PP)
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hi Tuana,

I just received some additional comments on the preamble (attached). I understand that I'll receive the corresponding RIA comments soon.

Matthew

From: Oreska, Matthew P. EOP/OMB
Sent: Tuesday, March 12, 2024 11:30 AM
To: 'Phillips, Tuana (she/her/hers)' <phillips.tuana@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Wilson, Kimberly C. EOP/OMB
Ex. 6 Personal Privacy (PP)
Subject: E.O. 12866 Review - LDV (2060-AV49)

Good morning:

There are a few additional edit requests from reviewers. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

In addition to a few edits on the RTC (attached), reviewers also send the following edit requests on the preamble and RIA:

Ex. 5 Deliberative Process (DP)

As also discussed, one reviewer has also asked for time to discuss the passback with EPA this afternoon.

Thank you,

Matthew
P.S. – Thank you, Tuana, for confirming that EPA will make the edit in the attached RTC document that we discussed this morning.

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 6:15 PM
To: Oreska, Matthew P. EOP/OMB < Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Great, thanks!

From: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP)
Sent: Monday, March 11, 2024 6:09 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Thank you, Tuana. I was able to access the link and download the clean and RLSO RIA documents. I now have all six documents.

Thanks,

Matthew

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 6:04 PM
To: Oreska, Matthew P. EOP/OMB <Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hmm, do you mind trying again? I just gave you access to the parent page, and am hoping that will make it work.

Tuana

From: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP)
Sent: Monday, March 11, 2024 5:57 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Thanks, Tuana. I'm currently getting a 'You don't have permission to view this page' error.

From: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Sent: Monday, March 11, 2024 5:49 PM
To: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Hi Matthew,

As expected, the RIA files are too large to send via email. I am uploading them shortly at the below MAX link which you should have access to.

Ex. 6 Personal Privacy (PP)

Once you see the files, if you could confirm that you've received all 6 documents, that would be great.

Thank you,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 5:11 PM
To: 'Oreska, Matthew P. EOP/OMB' Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the RLSO version of the RTC.

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 5:04 PM
To: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP)

Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the RLSO version of the preamble with EPA responses to interagency comments. I am sending you the RLSO version of the RTC next, and then the RIA.

Best,
Tuana

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 4:46 PM
To: Oreska, Matthew P. EOP/OMB < Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Here is the clean RTC.

From: Phillips, Tuana (she/her/hers)
Sent: Monday, March 11, 2024 4:27 PM
To: 'Oreska, Matthew P. EOP/OMB' Ex. 6 Personal Privacy (PP)
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: RE: E.O. 12866 Review - LDV (2060-AV49)

Thanks Matthew. I am going to send you the preamble and RTC passbacks now. First is the clean version of the preamble, which is attached.

Best,
Tuana

From: Oreska, Matthew P. EOP/OMB Ex. 6 Personal Privacy (PP) >
Sent: Monday, March 11, 2024 3:05 PM
To: Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>
Cc: Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Subject: E.O. 12866 Review - LDV (2060-AV49)

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Hi Tuana,

As discussed, I received some additional, technical comments today. We recognize that EPA plans to send a revised version with edits in response to other Ex. 5 Deliberative Process (DP) comments. Please go ahead and send those responses at your earliest availability. I am providing these comments for EPA's consideration now in the interest of time. All of the new comments should be highlighted and marked '3/11/24 COMMENT.'

Thank you,

Matthew

Matthew Oreska, Ph.D.
Office of Information and Regulatory Affairs

Office of Management and Budget

Ex. 6 Personal Privacy (PP)

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 4/8/2024 5:38:23 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: SRE Denial Action litigation - statutory interpretation arguments
Attachments: SRE Provision - Statutory Interpretation Arguments.docx; RFA EPA SEALED Response Brief (as filed).PDF; RFA decision - reporter version with highlights.pdf; Calumet v. EPA - Doc 313 EPA Response Brief (sealed).pdf; Calumet v EPA (published opinion).pdf; Sinclair v. EPA - EPA Sealed Final Brief.PDF

Hi –

Ex. 5 AC/DP

I welcome any thoughts you have or at minimum hopefully this helps as you are able to listen in on the moot court tomorrow.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Carroll, Timothy [Carroll.Timothy@epa.gov]
Sent: 3/17/2024 5:14:11 PM
To: Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Millett, John [Millett.John@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Giles, Cynthia [Giles.Cynthia@epa.gov]; Niebling, William (he/him/his) [Niebling.William@epa.gov]; Conger, Nick [Conger.Nick@epa.gov]; Del Monico, Tim [DelMonico.Tim@epa.gov]; Tyler, Emma [Tyler.Emma@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Jakob, Avivah [Jakob.Avivah@epa.gov]; Dunham, Sarah (she/her/hers) [Dunham.Sarah@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Burch, Julia (she/her/hers) [Burch.Julia@epa.gov]; Reiter, Lisa (she/her/hers) [Reiter.Lisa@epa.gov]; Deluca, Isabel [DeLuca.Isabel@epa.gov]; Phillips, Tuana (she/her/hers) [phillips.tuana@epa.gov]; Mroz, Jessica (she/her/hers) [mroz.jessica@epa.gov]; Mylan, Christopher [Mylan.Christopher@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Loya, Jessica (she/her/hers) [Loya.Jessica@epa.gov]; Millan, Vanessa [Millan.Vanessa@epa.gov]; Bhandari, Pradnya [Bhandari.Pradnya@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Barbery, Andrea (she/her/hers) [Barbery.Andrea@epa.gov]; Rivera, Keylin [Rivera.Keylin@epa.gov]; Perego, Thoren (he/him/his) [Perego.Thoren@epa.gov]; OAR_Scheduling [OAR_Scheduling@epa.gov]; Magallanes, Evan [Magallanes.Evan@epa.gov]; OPA Non-Career [OPA_Non-Career@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: RE: LDV Comms planning
Attachments: LDV draft Tick-tock - 3-13.24_EOP.docx; Draft LDV Press Release 3.13.24_EOP.docx; Draft LM-MD duty FRM_Rollout Plan 3.13.24 11am_CPO.docx

Hi all – happy St. Patrick's Day! In honor of the holiday, I am passing back WH edits to the LDV press release, comms plan/key messages and the tick tock.

Ex. 5 Deliberative Process (DP)

As I mentioned on the Friday call, we also need to schedule the Administrator/Goffman press gaggle at 1:30 PM (prep meeting to be determined) and OAR reps for the 4:00 PM WH background press briefing. That will now be led by Ali Zaidi and only feature WH/EPA reps only. OPA suggests Joe for that call with Ale and Sarah/OTAQ on for Q&A.

They're still working through Q&A edits, and I've shared the draft fact sheet for their review.

Can we aim to review by 1:00 PM tomorrow, so we can try to finalize by EOD Monday? We will ultimately aim to share these embargoed materials with core reporters by 1:00 PM Tuesday, and with the wider universe of background briefing participants by 3:30 PM on 3/19.

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, March 15, 2024 1:07 PM
To: Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher

<Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: RE: LDV Comms planning

I can take care of everything. Stay tuned!

From: Haman, Patricia <Haman.Patricia@epa.gov>
Sent: Friday, March 15, 2024 1:01 PM
To: Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
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Subject: RE: LDV Comms planning

Thank you, John. Would you like me to send the calendar invite for our Hill session?

From: Millett, John <Millett.John@epa.gov>
Sent: Friday, March 15, 2024 12:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
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Subject: LDV Comms planning

Hi All – here's how things are shaping up – as we dive back into the tick-tock for next week –

LDV Final Tick-Tock - 3-13 - Working Document.docx

Here's the current draft of the list and order for Tuesday – noting for OPEEE that we still need to find 30 minutes for Labor . . .

Tuesday 3/19 Embargoed Calls

~10-11 – prep calls with Event speakers – OPEEE

12 – Alliance – OPEEE – Joe/Ale/OTAQ
12:30 – ZETA – OPEEE – Ale/OTAQ
1 – Suppliers (MECA, MEMA, AESI) – OPEEE – Ale/OTAQ
1:30 – Embargoed Press – OPA – Joe/Ale/OTAQ
2 – Hill – OCIR – Ale/OTAQ
2:30 – State call #1 – OCIR – Joe/Ale/OTAQ
3 – NGOs, Health, EJ – OPEEE – Joe/Ale/OTAQ
3:30 – State #2 – OCIR – Ale/OTAQ

Other –

Labor? – OPEEE – Ale/OTAQ
CARB – OAR 1:1s – Joe/Sarah/Bill
NADA (auto dealers) – after 5 pm, OAR call)
Tribes – OAR, Pat Childers, late afternoon

-----Original Appointment-----
From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, March 8, 2024 4:49 PM
To: Goffman, Joseph; Giles, Cynthia; Niebling, William (he/him/his); Millett, John; Conger, Nick; Carroll, Timothy; Del Monico, Tim; Tyler, Emma; Lucey, John; Haman, Patricia; Enobakhare, Rosemary; Cortez Russell, Loni; Jakob, Avivah; Dunham, Sarah (she/her/hers); Charmley, William (he/him/his); Sargeant, Kathryn (she/her/hers); Burch, Julia (she/her/hers); Reiter, Lisa (she/her/hers); Phillips, Tuana (she/her/hers); Mroz, Jessica (she/her/hers); Mylan, Christopher; Weaver, Susannah; Li, Ryland (Shengzhi); Nunez, Alejandra
Cc: Moran, Robin; Olechiw, Michael; Loya, Jessica (she/her/hers); Millan, Vanessa; Bhandari, Pradnya; Bowles, Jack; Barbery, Andrea (she/her/hers); Rivera, Keylin; Perego, Thoren (he/him/his)
Subject: LDV Comms planning
When: Friday, March 15, 2024 12:00 PM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teams

Microsoft Teams meeting

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Click here to join the meeting

Meeting ID: Ex. 6 Personal Privacy (PP)
Passcode: Ex. 6 Personal Privacy (PP)
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sip:teams@video.epa.gov
Video Conference ID: Ex. 6 Personal Privacy (PP)
Alternate VTC instructions

Or call in (audio only)

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Phone Conference ID: Ex. 6 Personal Privacy (PP)
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This meeting may be recorded. If the meeting is recorded, it will be announced via a banner showing "this meeting is being recorded." Participation in a recorded meeting will be deemed as consent to be recorded. Meeting recordings may be official agency records subject to appropriate policy, rules and regulations.

Learn More | Meeting options

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 4/15/2024 5:21:29 PM
To: OGC ARLO [OGC_ARLO@epa.gov]
Subject: FW: Oral arguments tomorrow in two cases - challenges to 2022 SRE Denial Actions and 2022 Compliance Actions
Attachments: Sinclair cases DC Cir oral argument format for 041624.pdf; Sinclair v. EPA - Petitioners Final Redacted Opening Brief.pdf; Sinclair v. EPA - Petitioners Final Redacted Reply Brief.pdf; Sinclair v. EPA - ECF EPA Redacted Final Brief.PDF; Sinclair v. EPA - ECF Intervenors Final Brief .pdf; 22-1074 Growth Energy Opening Br..pdf; 22-1074 Sinclair Pet.s' Opening Br. Redacted.pdf; 22-1125 Growth Reply Br..pdf; 22-1125 Refineries' Reply Br..pdf; 23-6-9 EPA Answering Brief 22-1074_.pdf

FYI

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Stahle, Susan
Sent: Monday, April 15, 2024 1:17 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>
Subject: Oral arguments tomorrow in two cases - challenges to 2022 SRE Denial Actions and 2022 Compliance Actions

Hello –

On Tuesday, April 16, 2024, the D.C. Circuit Court of Appeals will hear oral arguments in two cases, *Sinclair Wyoming Refining Co. LLC, et al. v. EPA*, No. 22-1073 (and consolidated cases) (first case), and *Sinclair Wyoming Refining Co. LLC, et al. v. EPA*, No. 22-1074 (and consolidated cases) (second case). The oral arguments will be heard back-to-back and before the same panel of judges, which will be Judge Pillard, Judge Rao, and Judge Pan. Argument is scheduled to begin at 9:30 am ET, in Courtroom 31 (these are the only arguments on the calendar). The oral argument format for both cases is presented in the attached order.

You can access the live stream of the arguments here.

If you plan to attend the arguments in person, you can access information about the court here, including the address, and further information on the court's security and electronic device policy.

The first consolidated case is the third oral argument being held in three separate consolidated cases in three separate circuit courts challenging the same two actions, the April 2022 SRE Denial Action and the June 2022 SRE Denial Action (the 2022 SRE Denial Actions). In the 2022 SRE Denial Actions, EPA denied 105 small refinery exemption (SRE) petitions from 39 small refineries seeking exemptions from their Renewable Fuel Standard (RFS) obligations for the 2016–2021 compliance years. Petitioners challenging these actions are about twenty small refineries whose SRE petitions were denied (the names of the small refineries are listed in the Petitioners' Joint Opening Brief).

In the second set of consolidated cases, two of the small refineries subject to the 2022 SRE Denial Actions, Sinclair Wyoming Refining Co. LLC and Wynnewood Refining Company, LLC, filed petitions for review of two companion actions EPA issued at the same time as the 2022 SRE Denial Actions: the April 2022 Alternative Compliance Action and the June 2022 Alternative Compliance Action (the 2022 Compliance Actions) EPA developed these actions to address the

challenges to the RFS program as a whole that would be posed if the 31 small refineries across the country subject to the Denial Actions were required to comply with those obligations in 2022. This is Wynnewood's second case; it made the same arguments challenging the 2022 Compliance Actions before the 5th Circuit in the fall, where EPA prevailed in arguing that venue was only proper in the D.C. Circuit because the 2022 Compliance Actions were based on determinations of nationwide scope or effect; therefore, the 5th Circuit transferred the case to the D.C. Circuit. In contrast, Sinclair was not affected by the 2022 SRE Denial Actions. Both small refineries are seeking additional relief from EPA related to their SRE petitions for 2018.

In addition to the two small refineries, the 2022 Compliance Actions are also being challenged by Growth Energy, which contends that EPA has exceeded its authority by excusing the 31 small refineries subject to the 2022 SRE Denial Actions.

While the public, redacted versions of the briefs in both cases are attached, the following summarizes the issues.

For the first case, here are excerpts from the "Summary of Argument" section from EPA's response brief.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

For more information or if you have questions, please contact Susan Stahle regarding the first case or Meredith Miller regarding the second case.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Reiter, Lisa (she/her/hers) [Reiter.Lisa@epa.gov]
Sent: 3/17/2024 10:01:33 PM
To: Carroll, Timothy [Carroll.Timothy@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Millett, John [Millett.John@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Giles, Cynthia [Giles.Cynthia@epa.gov]; Niebling, William (he/him/his) [Niebling.William@epa.gov]; Conger, Nick [Conger.Nick@epa.gov]; Del Monico, Tim [DelMonico.Tim@epa.gov]; Tyler, Emma [Tyler.Emma@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Jakob, Avivah [Jakob.Avivah@epa.gov]; Dunham, Sarah (she/her/hers) [Dunham.Sarah@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Burch, Julia (she/her/hers) [Burch.Julia@epa.gov]; Deluca, Isabel [DeLuca.Isabel@epa.gov]; Phillips, Tuana (she/her/hers) [phillips.tuana@epa.gov]; Mroz, Jessica (she/her/hers) [mroz.jessica@epa.gov]; Mylan, Christopher [Mylan.Christopher@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Loya, Jessica (she/her/hers) [Loya.Jessica@epa.gov]; Millan, Vanessa [Millan.Vanessa@epa.gov]; Bhandari, Pradnya [Bhandari.Pradnya@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Barbery, Andrea (she/her/hers) [Barbery.Andrea@epa.gov]; Rivera, Keylin [Rivera.Keylin@epa.gov]; Perego, Thoren (he/him/his) [Perego.Thoren@epa.gov]; OAR_Scheduling [OAR_Scheduling@epa.gov]; Magallanes, Evan [Magallanes.Evan@epa.gov]; OPA Non-Career [OPA_Non-Career@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: IMPORTANT: RE: LDV Comms planning - Use these versions for review
Attachments: Final Draft LM-MD duty FRM_Rollout Plan 3.17.24_CPO.docx; Final Draft LDV Press Release 3.17.24_EOP.docx; Final Draft LDV draft Tick-tock - 3-17.24_EOP.docx

Importance: High

IMPORTANT: I have merged the current working documents with the WH tracked changes/comments into 3 primary documents for review. This was necessary since we continued to make minor changes to the working documents while the WH reviewed an earlier version. Please use these versions for all review so we are all looking at the same versions. I have attached the shared documents and also add links below. Thanks!

Final Draft LDV draft Tick-tock - 3-17.24_EOP.docx

Final Draft LDV Press Release 3.17.24_EOP.docx

Final Draft LM-MD duty FRM_Rollout Plan 3.17.24_CPO.docx

Lisa Reiter
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Pronouns: she/her/hers

From: Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>
Sent: Sunday, March 17, 2024 5:07 PM
To: Carroll, Timothy <Carroll.Timothy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick

<Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
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Subject: RE: LDV Comms planning

Thanks so much Tim. I will be saving these documents into the OTAQ SharePoint site – so we can all review. Will send them when ready.

Lisa Reiter
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From: Carroll, Timothy <Carroll.Timothy@epa.gov>
Sent: Sunday, March 17, 2024 1:14 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
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Subject: RE: LDV Comms planning

Hi all – happy St. Patrick's Day! In honor of the holiday, I am passing back WH edits to the LDV press release, comms plan/key messages and the tick tock.

Ex. 5 Deliberative Process (DP)

As I mentioned on the Friday call, we also need to schedule the Administrator/Goffman press gaggle at 1:30 PM (prep meeting to be determined) and OAR reps for the 4:00 PM WH background press briefing. That will now be led by Ali Zaidi and only feature WH/EPA reps only. OPA suggests Joe for that call with Ale and Sarah/OTAQ on for Q&A.

They're still working through Q&A edits, and I've shared the draft fact sheet for their review.

Can we aim to review by 1:00 PM tomorrow, so we can try to finalize by EOD Monday? We will ultimately aim to share these embargoed materials with core reporters by 1:00 PM Tuesday, and with the wider universe of background briefing participants by 3:30 PM on 3/19.

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, March 15, 2024 1:07 PM
To: Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: RE: LDV Comms planning

I can take care of everything. Stay tuned!

From: Haman, Patricia <Haman.Patricia@epa.gov>
Sent: Friday, March 15, 2024 1:01 PM
To: Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>;

Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: RE: LDV Comms planning

Thank you, John. Would you like me to send the calendar invite for our Hill session?

From: Millett, John <Millett.John@epa.gov>
Sent: Friday, March 15, 2024 12:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: LDV Comms planning

Hi All – here's how things are shaping up – as we dive back into the tick-tock for next week –

LDV Final Tick-Tock - 3-13 - Working Document.docx

Here's the current draft of the list and order for Tuesday – noting for OPEEE that we still need to find 30 minutes for Labor . . .

Tuesday 3/19 Embargoed Calls

~10-11 – prep calls with Event speakers – OPEEE

12 – Alliance – OPEEE – Joe/Ale/OTAQ
12:30 – ZETA – OPEEE – Ale/OTAQ
1 – Suppliers (MECA, MEMA, AESI) – OPEEE – Ale/OTAQ
1:30 – Embargoed Press – OPA – Joe/Ale/OTAQ
2 – Hill – OCIR – Ale/OTAQ
2:30 – State call #1 – OCIR – Joe/Ale/OTAQ
3 – NGOs, Health, EJ – OPEEE – Joe/Ale/OTAQ
3:30 – State #2 – OCIR – Ale/OTAQ

Other –

Labor? – OPEEE – Ale/OTAQ
CARB – OAR 1:1s – Joe/Sarah/Bill
NADA (auto dealers) – after 5 pm, OAR call)
Tribes – OAR, Pat Childers, late afternoon

-----Original Appointment-----
From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, March 8, 2024 4:49 PM
To: Goffman, Joseph; Giles, Cynthia; Niebling, William (he/him/his); Millett, John; Conger, Nick; Carroll, Timothy; Del Monico, Tim; Tyler, Emma; Lucey, John; Haman, Patricia; Enobakhare, Rosemary; Cortez Russell, Loni; Jakob, Avivah; Dunham, Sarah (she/her/hers); Charmley, William (he/him/his); Sargeant, Kathryn (she/her/hers); Burch, Julia (she/her/hers); Reiter, Lisa (she/her/hers); Phillips, Tuana (she/her/hers); Mroz, Jessica (she/her/hers); Mylan, Christopher; Weaver, Susannah; Li, Ryland (Shengzhi); Nunez, Alejandra
Cc: Moran, Robin; Olechiw, Michael; Loya, Jessica (she/her/hers); Millan, Vanessa; Bhandari, Pradnya; Bowles, Jack; Barbery, Andrea (she/her/hers); Rivera, Keylin; Perego, Thoren (he/him/his)
Subject: LDV Comms planning
When: Friday, March 15, 2024 12:00 PM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teams

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Meeting ID: Ex. 6 Personal Privacy (PP)
Passcode: [redacted]
Download Teams | Join on the web

Join with a video conferencing device
sip:teams@video.epa.gov
Video Conference ID: Ex. 6 Personal Privacy (PP)
Alternate VTC instructions

Or call in (audio only)
Ex. 6 Personal Privacy (PP) United States, Washington DC
Phone Conference ID: Ex. 6 Personal Privacy (PP)
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This meeting may be recorded. If the meeting is recorded, it will be announced via a banner showing "this meeting is being recorded." Participation in a recorded meeting will be deemed as consent to be recorded. Meeting recordings may be official agency records subject to appropriate policy, rules and regulations.

Learn More | Meeting options

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 4/11/2024 6:31:13 PM
To: Charmley, William (he/him/his) [charmley.william@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Bohac, Stani [bohac.stani@epa.gov]; Kasab, John (he/him/his) [Kasab.John@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: ACC II Waiver Group - Keys Docs, Follow Up on Tech Feas, Issues Outline and FR Outline
Attachments: Waiver and Authorization Overview v3.pptm; 2023-5-18 FINAL ACC II Waiver Request.pdf; ACC II Waiver_Comprehensive Coding Report_4-3-24.docx

Flag: Follow up

Dear ACC II waiver team

Thanks again for a great start on a team effort toward reaching a final decision on CARB's ACC II waiver request.

Here are a few key background items on waivers and on ACC II and some next steps for the next week or so:

1. Attached are some very basic PPT slides for a waiver intro.

2. Likely not needed at the moment, but here is EPA's "waivers and authorizations" webpage that has a bit of background on waivers and a few tables that contain current and decided waiver matters: https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations

3. The ACC I waiver issued by EPA in 2013 is a great place to see how a waiver decision in a FR Notice is organized: https://www.govinfo.gov/content/pkg/FR-2013-01-09/pdf/2013-00181.pdf Here is a public fact sheet for that decision: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100FGS0.pdf

a. Within the 34-page FR Notice you will see the Table of Contents on page 1 (FR page 2112) – it is likely we will use this TOC as a starting place for an outline of the ACC II waiver decision.

b. The Executive Summary on page 2112-2114 gives an overview of the waiver criteria and process and some of the main issues for ACC I.

c. Section V.C is the 3rd waiver prong – you will see that it is organized in how EPA historically assesses this prong and then looks at CARB's LEV III standards and then GHG and then ZEV. This all starts on page 2131.

4. We have a team within Teams called "ACC II Waiver Team" with folders and files established. Each of you has been invited – let me know if you need me to invite you. More to come.

a. The is a folder "CARB ACC II Waiver Request" – I have attached CARB Memo that was associated with their submission that provides an overview of all 3 waiver prongs and why CARB feels it meets each. This folder includes all of CARB's rulemaking documents – including their FSOR (sort of a response to comments) for both LEV and ZEV.

b. There is a folder "Written Comments" this includes a number of the key comments submitted AND includes a comprehensive summary of the primary comments submitted – this summary is attached. You will see that the Comprehensive Coding Report (the 400 + page summary of the comments includes a table of contents with responding page numbers so you can skip to the 3rd waiver prong and read all of it to get a sense of the range of comments – page 203-372).

5. In terms of next steps – Ex. 5 AC/DP

Ex. 5 AC/DP

I have also created a folder for the outline(s) of the FR Notice and possibly future outlines for particular sections of the FR Notice – such as the 1st waiver prong section, and so on.

Thanks, always here to answer any questions. I am out tomorrow and the week of 4/15. Meg is available should you have questions and she may help focus your work here or what issues to focus on initiall.

David

Message

From: Millett, John [Millett.John@epa.gov]
Sent: 3/18/2024 9:48:07 PM
To: Carroll, Timothy [Carroll.Timothy@epa.gov]; Millan, Vanessa [Millan.Vanessa@epa.gov]; Nunez, Alejandra [Nunez.Alejandra@epa.gov]; Reiter, Lisa (she/her/hers) [Reiter.Lisa@epa.gov]; Rakosnik, Delaney [rakosnik.delaney@epa.gov]; Haman, Patricia [Haman.Patricia@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Giles, Cynthia [Giles.Cynthia@epa.gov]; Niebling, William (he/him/his) [Niebling.William@epa.gov]; Conger, Nick [Conger.Nick@epa.gov]; Del Monico, Tim [DelMonico.Tim@epa.gov]; Tyler, Emma [Tyler.Emma@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Enobakhare, Rosemary [Enobakhare.Rosemary@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Jakob, Avivah [Jakob.Avivah@epa.gov]; Dunham, Sarah (she/her/hers) [Dunham.Sarah@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Burch, Julia (she/her/hers) [Burch.Julia@epa.gov]; Deluca, Isabel [DeLuca.Isabel@epa.gov]; Phillips, Tuana (she/her/hers) [phillips.tuana@epa.gov]; Mroz, Jessica (she/her/hers) [mroz.jessica@epa.gov]; Mylan, Christopher [Mylan.Christopher@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Loya, Jessica (she/her/hers) [Loya.Jessica@epa.gov]; Bhandari, Pradnya [Bhandari.Pradnya@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Barbery, Andrea (she/her/hers) [Barbery.Andrea@epa.gov]; Rivera, Keylin [Rivera.Keylin@epa.gov]; Perego, Thoren (he/him/his) [Perego.Thoren@epa.gov]; OAR_Scheduling [OAR_Scheduling@epa.gov]; Magallanes, Evan [Magallanes.Evan@epa.gov]; OPA Non-Career [OPA_Non-Career@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: RE: IMPORTANT: RE: LDV Comms planning - Use these versions for review
Attachments: Final LD-MD Press Release 3-18 clean.docx; Final LD-MD Rollout Plan 3-18 clean.docx

Clean static copies of the PR and rollout are attached. Q/A's coming next –

Links below retain comments and redline

Final LD-MD Press Release.docx

Final LD-MD Rollout Plan.docx

From: Carroll, Timothy <Carroll.Timothy@epa.gov>
Sent: Monday, March 18, 2024 5:22 PM
To: Millan, Vanessa <Millan.Vanessa@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>; OPA Non-Career <OPA_Non-Career@epa.gov>; Drinkard, Andrea

<Drinkard.Andrea@epa.gov>
Subject: RE: IMPORTANT: RE: LDV Comms planning - Use these versions for review

Thanks, Vanessa and Ale. @Millett, John can you give the all clear when pens are down? I will then send back to WH as final drafts.

From: Millan, Vanessa <Millan.Vanessa@epa.gov>
Sent: Monday, March 18, 2024 5:09 PM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
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Subject: RE: IMPORTANT: RE: LDV Comms planning - Use these versions for review

OPEEE is in coordination with Ale and our edits/ acceptance of edits are in!

From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Monday, March 18, 2024 5:06 PM
To: Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
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Subject: RE: IMPORTANT: RE: LDV Comms planning - Use these versions for review

I took a look at these and have no further comments.

From: Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>
Sent: Sunday, March 17, 2024 6:02 PM
To: Carroll, Timothy <Carroll.Timothy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>; OPA Non-Career <OPA_Non-Career@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: IMPORTANT: RE: LDV Comms planning - Use these versions for review
Importance: High

IMPORTANT: I have merged the current working documents with the WH tracked changes/comments into 3 primary documents for review. This was necessary since we continued to make minor changes to the working documents while the WH reviewed an earlier version. Please use these versions for all review so we are all looking at the same versions. I have attached the shared documents and also add links below. Thanks!

Final Draft LDV draft Tick-tock - 3.17.24_EOP.docx

Final Draft LDV Press Release 3.17.24_EOP.docx

Final Draft LM-MD duty FRM_Rollout Plan 3.17.24_CPO.docx

Lisa Reiter
Communications Director
Office of Transportation and Air Quality (OTAQ)
U.S. Environmental Protection Agency
Contact me on Teams
reiter.lisa@epa.gov
Office 202-566-2185
Mobile 202-893-6711
Pronouns: she/her/hers

From: Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>
Sent: Sunday, March 17, 2024 5:07 PM
To: Carroll, Timothy <Carroll.Timothy@epa.gov>; Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni

<Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>; OPA Non-Career <OPA_Non-Career@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: RE: LDV Comms planning

Thanks so much Tim. I will be saving these documents into the OTAQ SharePoint site – so we can all review. Will send them when ready.

Lisa Reiter
Communications Director
Office of Transportation and Air Quality (OTAQ)
U.S. Environmental Protection Agency
Contact me on Teams
reiter.lisa@epa.gov
Office 202-566-2185
Mobile 202-893-6711
Pronouns: she/her/hers

From: Carroll, Timothy <Carroll.Timothy@epa.gov>
Sent: Sunday, March 17, 2024 1:14 PM
To: Rakosnik, Delaney <rakosnik.delaney@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Deluca, Isabel <DeLuca.Isabel@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>; OPA Non-Career <OPA_Non-Career@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: RE: LDV Comms planning

Hi all – happy St. Patrick's Day! In honor of the holiday, I am passing back WH edits to the LDV press release, comms plan/key messages and the tick tock.

Ex. 5 Deliberative Process (DP)

As I mentioned on the Friday call, we also need to schedule the Administrator/Goffman press gaggle at 1:30 PM (prep meeting to be determined) and OAR reps for the 4:00 PM WH background press briefing. That will now be led by Ali Zaidi and only feature WH/EPA reps only. OPA suggests Joe for that call with Ale and Sarah/OTAQ on for Q&A.

They're still working through Q&A edits, and I've shared the draft fact sheet for their review.

Can we aim to review by 1:00 PM tomorrow, so we can try to finalize by EOD Monday? We will ultimately aim to share these embargoed materials with core reporters by 1:00 PM Tuesday, and with the wider universe of background briefing participants by 3:30 PM on 3/19.

From: Rakosnik, Delaney <rakosnik.delaney@epa.gov>
Sent: Friday, March 15, 2024 1:07 PM
To: Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: RE: LDV Comms planning

I can take care of everything. Stay tuned!

From: Haman, Patricia <Haman.Patricia@epa.gov>
Sent: Friday, March 15, 2024 1:01 PM
To: Millett, John <Millett.John@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling

<OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: RE: LDV Comms planning

Thank you, John. Would you like me to send the calendar invite for our Hill session?

From: Millett, John <Millett.John@epa.gov>
Sent: Friday, March 15, 2024 12:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Giles, Cynthia <Giles.Cynthia@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Del Monico, Tim <DelMonico.Tim@epa.gov>; Tyler, Emma <Tyler.Emma@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Cortez Russell, Loni <Russell.Loni@epa.gov>; Jakob, Avivah <Jakob.Avivah@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Mroz, Jessica (she/her/hers) <mroz.jessica@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Loya, Jessica (she/her/hers) <Loya.Jessica@epa.gov>; Millan, Vanessa <Millan.Vanessa@epa.gov>; Bhandari, Pradnya <Bhandari.Pradnya@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Barbery, Andrea (she/her/hers) <Barbery.Andrea@epa.gov>; Rivera, Keylin <Rivera.Keylin@epa.gov>; Perego, Thoren (he/him/his) <Perego.Thoren@epa.gov>; OAR_Scheduling <OAR_Scheduling@epa.gov>; Magallanes, Evan <Magallanes.Evan@epa.gov>
Subject: LDV Comms planning

Hi All – here's how things are shaping up – as we dive back into the tick-tock for next week –

LDV Final Tick-Tock - 3-13 - Working Document.docx

Here's the current draft of the list and order for Tuesday – noting for OPEEE that we still need to find 30 minutes for Labor . . .

Tuesday 3/19 Embargoed Calls

~10-11 – prep calls with Event speakers – OPEEE

12 – Alliance – OPEEE – Joe/Ale/OTAQ
12:30 – ZETA – OPEEE – Ale/OTAQ
1 – Suppliers (MECA, MEMA, AESI) – OPEEE – Ale/OTAQ
1:30 – Embargoed Press – OPA – Joe/Ale/OTAQ
2 – Hill – OCIR – Ale/OTAQ
2:30 – State call #1 – OCIR – Joe/Ale/OTAQ
3 – NGOs, Health, EJ – OPEEE – Joe/Ale/OTAQ
3:30 – State #2 – OCIR – Ale/OTAQ

Other –

Labor? – OPEEE – Ale/OTAQ
CARB – OAR 1:1s – Joe/Sarah/Bill
NADA (auto dealers) – after 5 pm, OAR call)
Tribes – OAR, Pat Childers, late afternoon

-----Original Appointment-----
From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Friday, March 8, 2024 4:49 PM
To: Goffman, Joseph; Giles, Cynthia; Niebling, William (he/him/his); Millett, John; Conger, Nick; Carroll, Timothy; Del Monico, Tim; Tyler, Emma; Lucey, John; Haman, Patricia; Enobakhare, Rosemary; Cortez Russell, Loni; Jakob, Avivah; Dunham, Sarah (she/her/hers); Charmley, William (he/him/his); Sargeant, Kathryn (she/her/hers); Burch, Julia (she/her/hers); Reiter, Lisa (she/her/hers); Phillips, Tuana (she/her/hers); Mroz, Jessica (she/her/hers); Mylan, Christopher; Weaver, Susannah; Li, Ryland (Shengzhi); Nunez, Alejandra
Cc: Moran, Robin; Olechiw, Michael; Loya, Jessica (she/her/hers); Millan, Vanessa; Bhandari, Pradnya; Bowles, Jack; Barbery, Andrea (she/her/hers); Rivera, Keylin; Perego, Thoren (he/him/his)
Subject: LDV Comms planning
When: Friday, March 15, 2024 12:00 PM-12:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teams

Microsoft Teams meeting

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Alternate VTC instructions

Or call in (audio only)
Ex. 6 Personal Privacy (PP) United States, Washington DC
Phone Conference ID: Ex. 6 Personal Privacy (PP)
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Message

From: Schwarz, Matthew [Schwarz.Matthew@epa.gov]
Sent: 5/31/2024 7:35:26 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: Acceptance of electric vehicles for research under CAA104(b)(4)
Attachments: HD GHG P3 Final Rule Preamble.pdf

Hi Ryland. Some additional context below:

From: Brusstar, Matt (he/him/his) <brusstar.matt@epa.gov>
Sent: Friday, May 31, 2024 2:59 PM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Cc: Haugen, David (he/him/his) <haugen.david@epa.gov>; Graham, Kathleen <Graham.Kathleen@epa.gov>
Subject: RE: Acceptance of electric vehicles for research under CAA104(b)(4)

Hi Matt,

Ex. 5 AC/DP

Hope this helps. Give me a call or email me if you have some follow up questions.
Have a good weekend,
Matt

Matt Brusstar, PhD
Deputy Director, Testing and Advanced Technology Division
US EPA (OAR-OTAQ), National Vehicle & Fuel Emissions Laboratory

+1 734 355 7456
https://www.epa.gov/vehicle-and-fuel-emissions-testing

From: Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Sent: Friday, May 31, 2024 2:26 PM
To: Brusstar, Matt (he/him/his) <brusstar.matt@epa.gov>
Cc: Haugen, David (he/him/his) <haugen.david@epa.gov>; Graham, Kathleen <Graham.Kathleen@epa.gov>
Subject: FW: Acceptance of electric vehicles for research under CAA104(b)(4)

Hi Matt-

Kathleen forwarded your question to me and I'm working with my colleagues in OGC-ARLO on an answer. You mentioned in your email below that this is a recurring question. Has it come to OGC before? We want to make sure we involve anyone who might have previously counseled on this question in the past.

Thanks.

Matt Schwarz
Assistant General Counsel
Intellectual Property and Information Technology Practice Group
General Law Office | Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (Mail Code 2377A)
Washington, DC 20460
202-564-5654

From: Brusstar, Matt (he/him/his) <brusstar.matt@epa.gov>
Sent: Friday, May 31, 2024 9:00 AM
To: Graham, Kathleen <Graham.Kathleen@epa.gov>
Cc: Haugen, David (he/him/his) <haugen.david@epa.gov>
Subject: Acceptance of electric vehicles for research under CAA104(b)(4)

Hi Kathleen,

Ex. 5 AC/DP

If you can please direct me to the appropriate person who can assist with this question, I would appreciate it.
Thank you,

Matt

Matt Brusstar, PhD
Deputy Director, Testing and Advanced Technology Division
US EPA (OAR-OTAQ), National Vehicle & Fuel Emissions Laboratory
+1 734 355 7456
https://www.epa.gov/vehicle-and-fuel-emissions-testing

Message

From: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 6/4/2024 7:18:05 PM
To: Stahle, Susan [Stahle.Susan@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Sue,

I read the email chain but haven't cracked open the draft memo (37 pages! I know Brian is suggesting the non-road expert only read one section of it). This is probably one of those things where it will take some time just to figure out how much time it will require, and only after that will I know if I have that much time available in June and this summer. For now I'll say I will at least tag team with you. Hopefully I can take it over from you, but I don't want to overpromise before I've even waded into the issues which, again, looks like is itself not a small effort. I'll try to do that by early next week and then maybe we can reach a more definitive decision on whether/how we'll handle this between the two of us.

Adan

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Tuesday, June 4, 2024 1:04 PM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: FW: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Hi Adan –

Before I loop you into this I wanted to forward this to you separately and let you see that Brian is asking for help with nonroad engine issues. This is a longstanding issue that I have worked on in the past but can happily pass over to you. However, not sure whether you have immediate workload pressures so let me know your thoughts on whether you want to take this on or you want to tag team or you want me to muddle through it.

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Tuesday, June 4, 2024 12:32 PM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Thanks David for looking at this over earlier rather than later and providing your thoughts.

Our analysis is that the applicability of NSPS Subparts IIII and JJJJ really hinges on the nonroad regulations, so having your confirmation of that is helpful.

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, June 3, 2024 1:45 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Tuesday, May 28, 2024 2:45 PM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

Ex. 5 AC/DP

For questions, Meredith was the primary author of section I. Matt was the lead on section II, and I was the primary author of sections III and IV.

Thanks much for your help! Please reach out to me with any concerns about your availability to assist us with this project over the summer, or to identify other ARLO attorneys that you recommend including on this team.

Brian

Brian L. Doster
Team Leader for New Source Review and Offshore Permitting
Air and Radiation Law Office, Office of General Counsel
202-564-1932

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 6/5/2024 2:20:38 PM
To: Orlin, David [Orlin.David@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Brian – I am looping in Adan Schwartz who will be working on this with me as well. Not sure on our timing for our review but please include Adan on emails on this project going forward. Thanks.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, June 5, 2024 9:57 AM
To: Doster, Brian <Doster.Brian@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Tuesday, June 4, 2024 12:32 PM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Thanks David for looking at this over earlier rather than later and providing your thoughts.

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, June 3, 2024 1:45 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Tuesday, May 28, 2024 2:45 PM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

I am writing to request your review and input on a draft OGC paper that addresses CAA permitting questions that cross over several areas of ARLO's practice. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks much for your help! Please reach out to me with any concerns about your availability to assist us with this project over the summer, or to identify other ARLO attorneys that you recommend including on this team.

Brian

Brian L. Doster
Team Leader for New Source Review and Offshore Permitting
Air and Radiation Law Office, Office of General Counsel
202-564-1932

Message

From: Doster, Brian [Doster.Brian@epa.gov]
Sent: 6/6/2024 5:47:56 PM
To: Orlin, David [Orlin.David@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, June 5, 2024 9:57 AM
To: Doster, Brian <Doster.Brian@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Tuesday, June 4, 2024 12:32 PM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>;

Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Thanks David for looking at this over earlier rather than later and providing your thoughts.

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From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, June 3, 2024 1:45 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Tuesday, May 28, 2024 2:45 PM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: Request for help with OGC paper on applicability of CAA permitting requirements to engines at deepwater ports

I am writing to request your review and input on a draft OGC paper that addresses CAA permitting questions that cross over several areas of ARLO's practice. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks much for your help! Please reach out to me with any concerns about your availability to assist us with this project over the summer, or to identify other ARLO attorneys that you recommend including on this team.

Brian

Brian L. Doster
Team Leader for New Source Review and Offshore Permitting
Air and Radiation Law Office, Office of General Counsel
202-564-1932

Message

From: Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
Sent: 6/3/2024 9:29:57 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; May, Lucas [May.Lucas@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
CC: Stahle, Susan [Stahle.Susan@epa.gov]
Subject: RE: EGU and/or heavy duty rule -- previous research / memos on "cost-benefit" analyses?
Attachments: Final ONG Rule.pdf

CUI//PRIVILEGE

Ex. 5 AC/DP

Stephanie L. Hogan | Assistant General Counsel for the New Source Performance Standards and Emission Guidelines Practice Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3244 | fax: (202) 564-5603

Pronouns: she/her/hers

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, June 3, 2024 5:15 PM
To: May, Lucas <May.Lucas@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>
Subject: RE: EGU and/or heavy duty rule -- previous research / memos on "cost-benefit" analyses?

CUI//PRIVILEGE

Ex. 5 AC/DP

Ryland Shengzhi Li

US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

Controlled by U.S. Environmental Protection Agency

From: May, Lucas <May.Lucas@epa.gov>
Sent: Monday, June 3, 2024 5:07 PM
To: Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: EGU and/or heavy duty rule -- previous research / memos on "cost-benefit" analyses?

CUI//PRIVILEGE

Hi all,

Ex. 5 AC/DP

Howard – thank you for recommending Meghan Greenfield; I will reach out to her.

Thanks!

Luke May (He/Him)
Attorney-Advisor, EPA OGC
Air & Radiation Law Office
Office Location: WJC 7013D

Controlled by U.S. Environmental Protection Agency

From: Hoffman, Howard <hoffman.howard@epa.gov>
Sent: Monday, June 3, 2024 4:54 PM
To: May, Lucas <May.Lucas@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>
Subject: RE: EGU and/or heavy duty rule -- previous research / memos on "cost-benefit" analyses?

Ex. 5 AC/DP

From: May, Lucas <May.Lucas@epa.gov>
Sent: Monday, June 3, 2024 4:22 PM

To: Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>
Subject: EGU and/or heavy duty rule -- previous research / memos on "cost-benefit" analyses?

Hi Howard, Stephanie, & Andrea (I hope I have the right people),

Sue Stahle recommended that I reach out to you all.

I am currently looking into potentially developing a legal research assignment for the new ARLO law clerk, Amanda Scheichet. Ex. 5 AC/DP

Ex. 5 AC/DP

issue? If so, would you be able to forward any relevant memos to me, and I could see whether they would inform the foundation for a potential clerk assignment? Thanks!

Luke May (He/Him)
Attorney-Advisor, EPA OGC
Air & Radiation Law Office
Office Location: WJC 7013D

Message

From: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 3/26/2024 2:02:28 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Waivers
Attachments: TPPF ACC2.pdf; Marathon Petroleum ACC2.pdf; Valero ACC2.pdf; IL Corn Growers ACC2.pdf; AFPM ACC2 (2).pdf

Flag: Follow up

Just trying to clear up my own memory on ACC2 comments, I'm not sure where I got the impression there were thousands, thought it was an email from David. In any case, there's only 74 comments on regulations.gov. I downloaded several that look important and am attaching a few here that, just based on the names, probably present the most substantively challenging comments. I'll follow up later to send additional comments.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, March 26, 2024 9:49 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: Waivers

Thanks, and good luck with coke ovens! And noted on the timing – I doubt OTAQ will want to meet this week, but if they do, I can ask them to push back.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Schwartz, Adan <Schwartz.Adan@epa.gov>
Sent: Tuesday, March 26, 2024 9:31 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Waivers

Ryland,

I thought I had already downloaded major comments on ACC2, but I must have been confused with a different waiver. If I recall correctly, ACC2 is one where there are thousands of comments, but of course only a limited number of key ones. I had asked David if he could share the key comments, he didn't respond, I then got distracted with other things. I'll renew the request with David.

Ex. 5 AC/DP

From: Schwartz, Adan
Sent: Monday, March 25, 2024 8:09 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Waivers

Ryland,

I think a meeting with OTAQ to discuss schedule and priorities could be useful. It could also be a chance to introduce Kyle. I haven't heard anything from OTAQ since that meeting, though there are indications that David is focusing his efforts on ACC2. As far as I know, everything is TBD. I'll send you the key ACC2 comments.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, March 25, 2024 6:41 PM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: Waivers

Hi Adan,

I am finally about to emerge from vehicle rules world and be able to focus on other things.

Ex. 5 AC/DP

labor between you and Kyle. If you feel like you have a good handle on this, you, me, and Kyle could chat. Or I could reach out to Meg and maybe have her set up a meeting for us all.

I'd also like to read the key ACC2 comments. Can you share those? Also have you and David already come up with a plan for addressing these, or is that TBD?

Thanks!

Ryland Shengzhi Li
Assistant General Counsel for Mobile Sources and Fuels
U.S. Environmental Protection Agency
Office of General Counsel, Air and Radiation Law Office
tel: (202) 564-6787 | em: li.ryland@epa.gov | desk: WJC-N 7409G
mail: USEPA (2344A), 1200 Pennsylvania Ave. NW, Washington, DC 20460
pronouns: he/him/his

Message

From: Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]
Sent: 5/24/2024 11:27:54 PM
To: Oliver, Hunter (NHTSA) [hunter.oliver@dot.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Kuppersmith, Michael (NHTSA) [michael.kuppersmith@dot.gov]; Hendrixson, Erin (OST) [erin.hendrixson@dot.gov]
CC: Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

SAFE 1 team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>
Sent: Thursday, May 9, 2024 4:11 PM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Kuppersmith, Michael (NHTSA) <michael.kuppersmith@dot.gov>; Hendrixson, Erin (OST) <erin.hendrixson@dot.gov>
Cc: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Thanks, Chloe. I appreciate the update.

Hunter B. Oliver
National Highway Traffic Safety Administration
Office: 202-366-8675

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Thursday, May 9, 2024 9:58 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>; Kuppersmith, Michael (NHTSA) <michael.kuppersmith@dot.gov>; Hendrixson, Erin (OST) <erin.hendrixson@dot.gov>
Cc: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: FW: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

SAFE 1 team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Sent: Thursday, May 9, 2024 12:49 AM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi there,

Sorry for not being clear. We were thinking we'd file for our group of petitioners since we are the ones who need more time. I'm attaching our draft. Happy to have it be joint, if you prefer or think it will be odd if the US files nothing. But I was thinking the fact that we say everyone consents covers that?

Thanks,
Elaine

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Wednesday, May 8, 2024 2:51 PM
To: Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Subject: Re: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hi Elaine -

Is California planning to circulate a draft motion? If it is going to be joint I need some time to circulate it here first.

Thanks,
Chloe

On May 3, 2024, at 6:10 PM, Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov> wrote:

Thanks, all. We appreciate the prompt responses.

Best,
Elaine

From: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>
Sent: Thursday, May 2, 2024 11:47 AM
To: McArthur, Eric <emcarthur@sidley.com>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Cc: Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Ian Fein (ifein@nrdc.org) <ifein@nrdc.org>; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <btomasovic@agmd.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

The Ohio-coalition intervening States have no objection.

Michael J. Hendershot
Chief Deputy Solicitor General
Office of Ohio Attorney General Dave Yost
<image001.png> Office number: 614-644-0576
Fax number: 866-502-7760
Cell 419-348-4189
Michael.Hendershot@OhioAGO.gov

<image002.png>
<image003.png>
<image004.png>

From: McArthur, Eric <emcarthur@sidley.com>
Sent: Thursday, May 2, 2024 10:50 AM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Cc: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>; Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Ian Fein (ifein@nrdc.org) <ifein@nrdc.org>; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <btomasovic@agmd.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi Elaine,

AFPM also consents.

Thanks,
Eric

ERIC D. MCARTHUR

SIDLEY AUSTIN LLP
+1 202 736 8018
emcarthur@sidley.com

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Thursday, May 2, 2024 10:41 AM
To: Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Cc: Michael Hendershot <Michael.Hendershot@ohioago.gov>; Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Ian Fein (ifein@nrdc.org) <ifein@nrdc.org>; McArthur, Eric <emcarthur@sidley.com>; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <btomasovic@aqmd.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi Elaine -

The United States would consent to a 60-day extension.

Thanks,
Chloe

On May 1, 2024, at 11:38 PM, Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov> wrote:

Dear counsel,

The Petitioners have conferred. The State and Local Government Petitioners intend to seek an additional 60 days to inform the Court how we would like to proceed with these consolidated cases. Several members of our coalition need additional time for internal discussion and approval processes. The other Petitioners have no objection to this approach and may join our filing or indicate consent to it. If Respondents and Respondent-Intervenors likewise have no objection—and it sounds like the State Respondent-Intervenors do not—we could file an unopposed motion, indicating your consent. And I do not believe anyone else would have to file anything. Does anyone object to this approach?

Thanks,
Elaine

From: Elaine Meckenstock
Sent: Friday, April 26, 2024 1:41 PM
To: 'Michael Hendershot' <Michael.Hendershot@OhioAGO.gov>
Cc: Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Cecere, Ian@ARB (Ian.Cecere@arb.ca.gov) <Ian.Cecere@arb.ca.gov>; emcarthur@sidley.com; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <BTomasovic@aqmd.gov>
Subject: FW: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi Michael,

Your email below was forwarded to me. Could you please ensure that future communications about *Union of Concerned Scientists* or *Ohio* include representatives for State Petitioners in the former and State Respondent-Intervenors in the latter—specifically, myself and my colleague Caitlan McLoon? There are several other petitioner groups in *Union of Concerned Scientists* that I think were missing from your email, as well. I've attempted to cover them here.

In answer to your question below, the Petitioners are conferring amongst themselves and with each other. The State Petitioners anticipate being able to propose a response to the order seeking motions to govern early next week.

Best,
Elaine

From: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>
Sent: Friday, April 26, 2024 3:52 PM
To: chloe.kolman@usdoj.gov; Doniger, David <ddoniger@nrdc.org>; egreen@clf.org; emcarthur@sidley.com; jguzman@democracyforward.org; mgoldenkresher@biologicaldiversity.org; pcort@earthjustice.org; rmichaels@elpc.org; sean@donahuegoldberg.com; snelson@citizen.org; sue.chen@usdoj.gov
Subject: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

All,

I am writing to see if anyone has put together a document to file in response to the Court's request that we offer it a suggestion about what to do with this case after the decision in *Ohio v. EPA*. As intervenors in this case, we defer to a party leading the response. And as Petitioners in the *Ohio* case, I can tell you that we are seriously considering a cert. petition there. From our perspective, it makes the most sense to continue to hold that case on ice while any further review plays out in *Ohio*.

Best,

Michael J. Hendershot
Chief Deputy Solicitor General
Office of Ohio Attorney General Dave Yost
<image001.png> Office number: 614-644-0576
Fax number: 866-502-7760
Cell 419-348-4189
Michael.Hendershot@OhioAGO.gov

<image002.png>
<image003.png>
<image004.png>

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****

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Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 5/26/2024 8:51:41 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Ryland

Ex. 5 AC/AWP

Thanks
DD

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Friday, May 24, 2024 7:28 PM
To: Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Kuppersmith, Michael (NHTSA) <michael.kuppersmith@dot.gov>; Hendrixson, Erin (OST) <erin.hendrixson@dot.gov>
Cc: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

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SAFE 1 team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>
Sent: Thursday, May 9, 2024 4:11 PM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Kuppersmith, Michael (NHTSA) <michael.kuppersmith@dot.gov>; Hendrixson, Erin (OST) <erin.hendrixson@dot.gov>
Cc: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Thanks, Chloe. I appreciate the update.

Hunter B. Oliver
National Highway Traffic Safety Administration
Office: 202-366-8875

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Thursday, May 9, 2024 9:58 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>; Kuppersmith, Michael (NHTSA) <michael.kuppersmith@dot.gov>; Hendrixson, Erin (OST) <erin.hendrixson@dot.gov>
Cc: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: FW: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

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SAFE 1 team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Sent: Thursday, May 9, 2024 12:49 AM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi there,

Sorry for not being clear. We were thinking we'd file for our group of petitioners since we are the ones who need more time. I'm attaching our draft. Happy to have it be joint, if you prefer or think it will be odd if the US files nothing. But I was thinking the fact that we say everyone consents covers that?

Thanks,
Elaine

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Wednesday, May 8, 2024 2:51 PM
To: Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Subject: Re: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

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Hi Elaine -

Is California planning to circulate a draft motion? If it is going to be joint I need some time to circulate it here first.

Thanks,
Chloe

On May 3, 2024, at 6:10 PM, Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov> wrote:

Thanks, all. We appreciate the prompt responses.

Best,
Elaine

From: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>
Sent: Thursday, May 2, 2024 11:47 AM
To: McArthur, Eric <emcarthur@sidley.com>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Cc: Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Ian Fein (ifein@nrdc.org) <ifein@nrdc.org>; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <btomasovic@agmd.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

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The Ohio-coalition intervening States have no objection.

Michael J. Hendershot
Chief Deputy Solicitor General
Office of Ohio Attorney General Dave Yost
<image001.png> Office number: 614-644-0576
Fax number: 866-502-7760
Cell 419-348-4189
Michael.Hendershot@OhioAGO.gov

<image002.png>
<image003.png>
<image004.png>
<image005.png>

From: McArthur, Eric <emcarthur@sidley.com>
Sent: Thursday, May 2, 2024 10:50 AM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Cc: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>; Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Ian Fein (ifein@nrdc.org) <ifein@nrdc.org>; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <btomasovic@agmd.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi Elaine,

AFPM also consents.

Thanks,
Eric

ERIC D. MCARTHUR

SIDLEY AUSTIN LLP
+1 202 736 8018
emcarthur@sidley.com

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Thursday, May 2, 2024 10:41 AM
To: Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov>
Cc: Michael Hendershot <Michael.Hendershot@ohioago.gov>; Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Ian Fein (ifein@nrdc.org) <ifein@nrdc.org>; McArthur, Eric <emcarthur@sidley.com>; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian Tomasovic <btomasovic@eqmd.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi Elaine -

The United States would consent to a 60-day extension.

Thanks,
Chloe

On May 1, 2024, at 11:38 PM, Elaine Meckenstock <Elaine.Meckenstock@doj.ca.gov> wrote:

Dear counsel,

The Petitioners have conferred. The State and Local Government Petitioners intend to seek an additional 60 days to inform the Court how we would like to proceed with these consolidated cases. Several members of our coalition need additional time for internal discussion and approval processes. The other Petitioners have no objection to this approach and may join our filing or indicate consent to it. If Respondents and Respondent-Intervenors likewise have no objection—and it sounds like the State Respondent-Intervenors do not—we could file an unopposed motion, indicating your consent. And I do not believe anyone else would have to file anything. Does anyone object to this approach?

Thanks,
Elaine

From: Elaine Meckenstock
Sent: Friday, April 26, 2024 1:41 PM
To: 'Michael Hendershot' <Michael.Hendershot@OhioAGO.gov>
Cc: Caitlan McLoon <Caitlan.McLoon@doj.ca.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Cecere, Ian@ARB (Ian.Cecere@arb.ca.gov) <Ian.Cecere@arb.ca.gov>; emcarthur@sidley.com; Sean Donahue <sean@donahuegoldberg.com>; Poloncarz, Kevin <KPoloncarz@cov.com>; Stacey.VanBelleghem@lw.com; Brian

Tomasovic <[illegible]@agmd.gov>
Subject: FW: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

Hi Michael,

Your email below was forwarded to me. Could you please ensure that future communications about *Union of Concerned Scientists* or *Ohio* include representatives for State Petitioners in the former and State Respondent-Intervenors in the latter—specifically, myself and my colleague Caitlan McLoon? There are several other petitioner groups in *Union of Concerned Scientists* that I think were missing from your email, as well. I've attempted to cover them here.

In answer to your question below, the Petitioners are conferring amongst themselves and with each other. The State Petitioners anticipate being able to propose a response to the order seeking motions to govern early next week.

Best,
Elaine

From: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>
Sent: Friday, April 26, 2024 3:52 PM
To: chloe.kolman@usdoj.gov; Doniger, David <ddoniger@nrdc.org>; egreen@elf.org; emcarthur@sidley.com; jguzman@democracyforward.org; mgoldenkrasner@biologicaldiversity.org; pcort@earthjustice.org; rmichael@elpc.org; sean@donahuegoldberg.com; snelson@citizen.org; sue.chen@usdoj.gov
Subject: Union of Concerned Scientists v. NHTSA, D.C. Cir. No. 19-1230

All,

I am writing to see if anyone has put together a document to file in response to the Court's request that we offer it a suggestion about what to do with this case after the decision in *Ohio v. EPA*. As intervenors in this case, we defer to a party leading the response. And as Petitioners in the *Ohio* case, I can tell you that we are seriously considering a cert. petition there. From our perspective, it makes the most sense to continue to hold that case on ice while any further review plays out in *Ohio*.

Best,

Michael J. Hendershot
Chief Deputy Solicitor General
Office of Ohio Attorney General Dave Yost
<image001.png> Office number: 614-644-0576
Fax number: 866-502-7760
Cell 419-348-4189
Michael.Hendershot@OhioAGO.gov

<image001.png>
<image002.png>
<image003.png>

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Message

From: Lee, Jin Hyung (ENRD) [Jin.Hyung.Lee@usdoj.gov]
Sent: 7/3/2024 6:37:36 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Hardee, Alex (ENRD) [Alex.Hardee@usdoj.gov]
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing
Attachments: Kentucky v. EPA_Proposed Briefing Schedule_DRAFT v3 - for filing.DOCX

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Seth – Attached is a final draft with the revised OA language. I believe everyone's on board with the revised OA language, but I'm going to circulate the attached to all and give them until 3:30 p.m. to note any nits. Thanks – Jin

---

From: Lee, Jin Hyung (ENRD)
Sent: Wednesday, July 3, 2024 1:51 PM
To: 'Nolbaum, Seth (he/him/his)' <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Seth – I'm just waiting for Ford, and a few intervenors' signature block, but attached is everything else.

Petitioners are on board with my proposed language; waiting to hear back from intervenors on the language re: OA.

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, July 3, 2024 1:48 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Perfect, thanks!

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Wednesday, July 3, 2024 1:34 PM

To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Thanks, Seth! (Realize with your message that we haven't actually met yet; but glad to e-meet you and work on this together!) I'm still waiting for the party-specific sections but will circulate when I have them. Thanks Jin

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, July 3, 2024 1:27 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Ex. 5 AC/AWP

(And apologies for appearing out of the blue, Ryland and David are both out and I'm covering for them. I covered the compliance/enforcement sections of the rule for OGC, which is why I'm working with Albert on the separate 5th Circuit litigation.)

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Wednesday, July 3, 2024 1:23 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Jin

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, July 2, 2024 4:53 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Hi Jin,

Ex. 5 AC/AWP

Thanks,
Seth

Seth Nolbaum (Buchsbaum) (he/him/his)
Attorney-Advisor, EPA Office of General Counsel
202-564-2484

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Tuesday, July 2, 2024 4:17 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Ex. 5 AC/AWP

From: Lee, Jin Hyung (ENRD)
Sent: Tuesday, July 2, 2024 2:25 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

FYI – Petitioners agreed to our exchange. We'll circulate a draft proposed briefing schedule when ready for your quick review.

From: Lee, Jin Hyung (ENRD)
Sent: Monday, July 1, 2024 6:34 PM
To: 'Li, Ryland (Shengzhi)' <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks so much for the quick respond, Ryland. Will let Petitioners know.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, July 1, 2024 6:02 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks for the update, Jin. This works for EPA.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Monday, July 1, 2024 4:26 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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All

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Jin

From: Lee, Jin Hyung (ENRD)
Sent: Monday, July 1, 2024 1:42 PM
To: 'Li, Ryland (Shengzhi)' <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Ex. 5 AC/AWP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, July 1, 2024 1:30 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks for the update, Jin. We have a regular check-in with our front office at 2pm tomorrow, so we would likely raise this then if we need to get approval for a different schedule.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Monday, July 1, 2024 12:50 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Hi EPA Mult-Pollutant Vehicles Team –

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Apologies in advance for the short review window, but we only have a few days remaining and I'd like to leave open July 3 to make any adjustments if necessary.

Thanks,

Jin Hyung Lee
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
Work: (202) 514-2640 | Cell: (202) 598-7264
jin.hyung.lee@usdoj.gov

Message

From: Lee, Jin Hyung (ENRD) [Jin.Hyung.Lee@usdoj.gov]
Sent: 7/3/2024 7:41:37 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Hardee, Alex (ENRD) [Alex.Hardee@usdoj.gov]
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing
Attachments: 2024.07.03 - Joint Proposed Briefing Schedule.pdf

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Ex. 5 AC/AWP

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, July 3, 2024 3:08 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Ex. 5 AC/AWP

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Wednesday, July 3, 2024 3:07 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, July 3, 2024 2:39 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks. No objections from EPA (nor on the petitioner statements), appreciate the checking in.

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Wednesday, July 3, 2024 2:38 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Seth – Attached is a final draft with the revised OA language. I believe everyone's on board with the revised OA language, but I'm going to circulate the attached to all and give them until 3:30 p.m. to note any nits. Thanks – Jin

---

From: Lee, Jin Hyung (ENRD)
Sent: Wednesday, July 3, 2024 1:51 PM
To: 'Nolbaum, Seth (he/him/his)' <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Seth – I'm just waiting for Ford, and a few intervenors' signature block, but attached is everything else.

Petitioners are on board with my proposed language, waiting to hear back from intervenors on the language re: OA.

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, July 3, 2024 1:48 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Perfect, thanks!

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Wednesday, July 3, 2024 1:34 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Thanks, Seth! (Realize with your message that we haven't actually met yet, but glad to e-meet you and work on this together!) I'm still waiting for the party-specific sections but will circulate when I have them. Thanks – Jin

---

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, July 3, 2024 1:27 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Ex. 5 AC/AWP

(And apologies for appearing out of the blue, Ryland and David are both out and I'm covering for them. I covered the compliance/enforcement sections of the rule for OGC, which is why I'm working with Albert on the separate 5th Circuit litigation.)

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Wednesday, July 3, 2024 1:23 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Ex. 5 AC/AWP

Thanks,

Jin

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, July 2, 2024 4:53 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Hi Jin,

Ex. 5 AC/AWP

Thanks,
Seth

Seth Nolbaum (Buchsbaum) (he/him/his)
Attorney-Advisor, EPA Office of General Counsel
202-564-2484

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Tuesday, July 2, 2024 4:17 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Ex. 5 AC/AWP

From: Lee, Jin Hyung (ENRD)
Sent: Tuesday, July 2, 2024 2:25 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

FYI – Petitioners agreed to our exchange. We'll circulate a draft proposed briefing schedule when ready for your quick review.

From: Lee, Jin Hyung (ENRD)
Sent: Monday, July 1, 2024 6:34 PM
To: 'Li, Ryland (Shengzhi)' <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks so much for the quick respond, Ryland. Will let Petitioners know.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, July 1, 2024 6:02 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks for the update, Jin. This works for EPA.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Monday, July 1, 2024 4:26 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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All

Ex. 5 AC/AWP

Thanks,
Jin

From: Lee, Jin Hyung (ENRD)
Sent: Monday, July 1, 2024 1:42 PM
To: 'Li, Ryland (Shengzhi)' <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Ex. 5 AC/AWP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, July 1, 2024 1:30 PM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

Thanks for the update, Jin. We have a regular check-in with our front office at 2pm tomorrow, so we would likely raise this then if we need to get approval for a different schedule.

Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
pronouns: he/him/his

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Monday, July 1, 2024 12:50 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: Multi-Pollutant Vehicles - Proposed Briefing Schedule updates and timing

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Hi EPA Mult-Pollutant Vehicles Team –

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Apologies in advance for the short review window, but we only have a few days remaining and I'd like to leave open July 3 to make any adjustments if necessary.

Thanks,

Jin Hyung Lee
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
Work: (202) 514-2640 | Cell: (202) 598-7264
jin.hyung.lee@usdoj.gov

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 7/9/2024 12:57:58 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
CC: Patulski, Meg [patulski.meg@epa.gov]
Subject: FW: Cert. petition in California Wavier cases
Attachments: Tailpipe Cert Petition.pdf; Tailpipe Appendix.pdf

OGC colleagues –

Just checking in to see whether DOJ has set up a call and how best to include OAR management at the right time on this.

Ex. 5 AC/AWP

Thanks,
David

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Friday, July 5, 2024 4:03 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>
Subject: RE: Cert. petition in California Wavier cases

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And we now have Ohio's petition raising the equal sovereignty issue

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Hostetler, Eric (ENRD)
Sent: Friday, July 5, 2024 12:05 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Gautam Srinivasan <Srinivasan.Gautam@epamail.epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>
Subject: Cert. petition in California Wavier cases

Folks,

We just became aware that shortly before the holiday, the fuel industry petitioners unfortunately elected to file the attached cert. petition contesting the D.C. Circuit's standing decision in *Ohio v. EPA*. The petition urges the court to proceed to review the merits of the statutory interpretation questions as well and indicates that the red state petitioners will be filing a separate cert. petition raising the equal sovereignty issue. Let's plan to touch base next week on our game plan here.

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

Message

From: Durch, Kyle [Durch.Kyle@epa.gov]
Sent: 7/11/2024 7:40:34 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW (original title follows): [EXTERNAL] Critical developments in ongoing Kelleher vs EPA civil action now including allegations and mountains of evidence of 2020 and 2022 election interference by DP operatives
Attachments: 4 Motion for Default Judgement-Copy.pdf; 2 Motion to move to SCOTUS -.pdf; 3 Exhibits to Motion to move to SCOTUS.pdf; 1 BTK v EPA Motion re SCOTUS 5.31.24_OCR_1.jpg

CUI//PRIVILEGE

Hey Ryland,

Ex. 5 AC/AWP

Kyle

Controlled by U.S. Environmental Protection Agency

From: Higgins, Elliot (ENRD) <Elliot.Higgins@usdoj.gov>
Sent: Thursday, July 11, 2024 3:27 PM
To: Durch, Kyle <Durch.Kyle@epa.gov>
Subject: FW: [EXTERNAL] Critical developments in ongoing Kelleher vs EPA civil action now including allegations and mountains of evidence of 2020 and 2022 election interference by DP operatives

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FYI

Elliot Higgins
Trial Attorney
Environmental Defense Section
U.S. Department of Justice
(202) 598-0240

From: Brian Kelleher <bkellehr@ix.netcom.com>
Sent: Thursday, July 11, 2024 12:43 PM
To: Judiciary_Whistleblower@mail.house.gov
Cc: Higgins, Elliot (ENRD) <Elliot.Higgins@usdoj.gov>
Subject: [EXTERNAL] Critical developments in ongoing Kelleher vs EPA civil action now including allegations and mountains of evidence of 2020 and 2022 election interference by DP operatives

Dear House Judicial committee chair

My DC federal district court case number is 1:23-cv-01346-DLF and is still active. Given all that is at stake, I hold it is arguably the most important civil action ever filed in the USA

Thus, please consider this of paramount importance

Please find attached copies of my two most recent motions which are self explanatory

By the Court not ruling on DOJ's Feb 2024 motion to dismiss on behalf of the EPA Administrator, the Judge has placed the case on indefinite hold in what might be an attempt to kill it in pocket-veto style. This is common practice in federal district courts. It allows judges to get rid of cases that they do not want to rule on for one reason or another

I am currently preparing a motion for summary judgment in response.

I consider myself among our Country's top private-sector environmental engineers (MS U-Mass Lowell, 1982). I was an adjunct professor for the civil engineering Dept for six years teaching night-school water and wastewater chemistry while running a brand new water/wastewater chemistry lab that I had to set up and stock. The course I taught included a graduate-level course for budding civil engineers. In the lab I demonstrated how Henry's Law explains rising pH as a function of increasing water temperature and how the water cycle is responsible for life on earth under the first and second laws of thermodynamics. I was rejecting the then very controversial greenhouse gas theory (GHGT). At the time, I was working full time all on my own as MA EPA hazardous-waste site-mitigation coordinator for the metro-Boston region in starting up the program. In so doing, I was the lead-investigator on two of the initial top 10 EPA RCRA sites. The first was Nyanza dye factory in Ashland. The other was the first half of the Beatrice Foods/WR Grace fiasco where I was the first witnessed called by the Plaintiff in 1981 in "The Civil Action" movie starring John Travolta.

As a private-sector free-lance consultant, I have **(1)** 15 years' experience as an air-quality engineer (1981-1995) permitting and specifying pollution control systems for dual-fuel-fired cogeneration plants; **(2)** 40+ years' experience coordinating the cleanup of fuel contaminated and other types of toxics sites (1982-date), and **(3)** most importantly, 30 years' highly successful experience as court-appointed neutral fact finder and court consultant (1991-date) helping CA case special masters and litigating parties settle CA state and federal suits stemming from the pollution of air land and water without the need for trial. In so doing, I act as preliminary judge and jury by applying Federal rules of evidence relating to empirical data. Because of the number of questionable assumptions in creating algorithms, under federal rules of evidence I treat numeric model output as inadmissible if the runs provide conflicting evidence with the conclusions I form from hard empirical evidence including traditional chain-of-custody-compliant analytical and hydrogeologic or atmospheric data.

Prior to filing my suit, I filed a barrage of whistle blowing complaints directed at the EPA and climate-modeling centers at DOE, DOD, NASA, NOAA, NSF, and Smithsonian. Except in the case of DOE and DOD US Air Force Research Lab I never heard back. I also contacted some of the key players doing the modeling mostly via email but also by phone.

On Dec 30, 2021, following a failed attempt to publish my findings in a scientific journal at the EPA's request, I filed a formal petition with EPA to deregulate greenhouse gases and ozone depleting substances. It was accepted but never posted or acted on with the statutory deadline. This ostensibly all by itself gives me standing to sue for damages.

In the meantime, my whistle-blowing complaint to NASA appears to have borne fruit. Upper level NASA staff in charge of two climate-modeling centers were tipped off in 2011 that those in charge of the critically important NASA SORCE satellite mission, the data from which is used in all U.S. climate models, were fudging the algorithm for converting satellite-instrument measurements of incoming shortwave solar radiation entering the top of the atmosphere by assuming instrument degradation was altering the ratio of visible vs near infrared in favor of the latter. In my whistle-blowing complaints, I had been accusing the modelers of doing just that to subvert evidence that GS Max conditions were causing the ozone loss via increases in Chappuis band irradiance in the visible region. In 2021 and 2022, the second NASA Solar Irradiance Science Team (SIST2) used data from a brand new instrument placed aboard the international space station in 2018. The SIST2 testing not only confirmed the miscalibration, but also proved that the miscalibration invalided all the modeling results

that EPA had relied on in regulating GHG and ODS going back to the 1980s. Due to missing Chappuis band absorption coefficients, with the correct reference spectrum for incident sunlight, the models were showing the Earth entering an Ice Age.

In my suit, I provide mountains of evidence proving unequivocally that **(1)** all global warming trends that commenced or accelerated in the early 1970s are due to a natural solar cycle that causes stratospheric ozone depletion and resulting increases in Chappuis band irradiance in the visible region; **(2)** all the evidence that pollution is creating ozone depletion and global warming is concocted by certain identifiable Federal Executive Branch employees; **(3)** by failing to inform Congress of the NASA SIST2 confirmatory findings released in May 2022, the EPA stands accused of spearheading a textbook Marxist, Leninist/Stalinist top-down insurrection Vanguard Party that commencing in the Obama Administration has assumed the goal of putting the progressive left democratic party in permanent control of the U.S. government by brainwashing vulnerable voters, in particular the college educated feminist leaning Millennial men and women and minorities that collectively make up the Democratic Party base. They call themselves the 60-million-strong New American Majority and fit the description of a Marxist revolutionary army.

To prove the last point, I conducted a neutral fact finding analysis of Trump's claims that the 2020 election was rigged. In so doing I very easily uncovered mountains of evidence via the internet that confirmed his claims.

Your committee really should be looking at the massive evidence I uncovered of interference in the 2020 and 2022 elections. The bottom line is that I easily ascertained that large-scale mail-in-vote tallies that conflict with large-scale walk-in-vote tallies, which is the case in GA, PA, MI and WI, are not admissible in Federal Court under the Federal Rules of Evidence. This is especially the case when there are armies of paid DP operative swarming Democratic Party strongholds in key swing states illegally harvesting mail in ballots and voter registrations using billions of dark money donations from tax exempt 501(c)3 charities set up by New American Majority Democratic Party operatives that are also making donation exclusively to progressive left Democratic Party candidates and Democratic Party controlled local voting centers and the state agencies administering the elections. Without question our electoral process is severely corrupted in banana republic fashion.

Based on my findings, I give the Republican party zero chance in Nov 2024 of fending off the extremely well fund and organized Marxist insurrection.

Given my case has been placed in limbo, I strongly suggest your committee carefully go through the attached evidence, and immediately schedule a hearing where I can confront the EPA administrator and his attorney with all the evidence I have gathered on climate change and election interference.

I am working on a motion for summary judgment that I intend to file with the court early next week. At your request, I will send you a copy.

By copy of this E-mail I continue to encourage the DOJ counsel for the EPA Administrator to settle my action in the best interests of the country. The EPA Administrator has no evidence to present to Congress or the Court that justifies regulating GHG or ODS to combat climate change. He is behaving in brazen violation of multiple federal and state laws!!

Regards

Brian Kelleher

408-712-1214

Message

From: Koppel, Joshua M. (CIV) [Joshua.M.Koppel@usdoj.gov]
Sent: 7/15/2024 5:54:19 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Mumme, Bettina [bettina.mumme@hq.doe.gov]; Mathews, Joseph [Joseph.Mathews@hq.doe.gov]; Zuber, Laura [laura.zuber@hq.doe.gov]; Grace-Tardy, Ami [ami.grace-tardy@hq.doe.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Oliver, Hunter (NHTSA) [hunter.oliver@dot.gov]
CC: Sandberg, Jeffrey E. (CIV) [Jeffrey.E.Sandberg@usdoj.gov]; Stern, Mark (CIV) [Mark.Stern@usdoj.gov]
Subject: RE: Iowa v. Granholm (8th Cir.): draft brief
Attachments: PEF litigation: DOE declaration; Draft declaration 7-12-24.docx

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Hi Seth,

Ex. 5 AC/AWP

Josh

Joshua Koppel
Civil Division, Appellate Staff
U.S. Department of Justice
(202) 514 4820

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, July 15, 2024 12:59 PM
To: Koppel, Joshua M. (CIV) <Joshua.M.Koppel@usdoj.gov>; Mumme, Bettina <bettina.mumme@hq.doe.gov>; Mathews, Joseph <Joseph.Mathews@hq.doe.gov>; Zuber, Laura <laura.zuber@hq.doe.gov>; Grace-Tardy, Ami <ami.grace-tardy@hq.doe.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>
Cc: Sandberg, Jeffrey E. (CIV) <Jeffrey.E.Sandberg@usdoj.gov>; Stern, Mark (CIV) <Mark.Stern@usdoj.gov>
Subject: [EXTERNAL] RE: Iowa v. Granholm (8th Cir.): draft brief

Ex. 5 AC/AWP

From: Nolbaum, Seth (he/him/his)
Sent: Monday, July 15, 2024 12:55 PM
To: Koppel, Joshua M. (CIV) <Joshua.M.Koppel@usdoj.gov>; Mumme, Bettina <bettina.mumme@hq.doe.gov>; Mathews, Joseph <Joseph.Mathews@hq.doe.gov>; Zuber, Laura <laura.zuber@hq.doe.gov>; Grace-Tardy, Ami <ami.grace-tardy@hq.doe.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>
Cc: Sandberg, Jeffrey E. (CIV) <Jeffrey.E.Sandberg@usdoj.gov>; Stern, Mark (CIV) <Mark.Stern@usdoj.gov>
Subject: RE: Iowa v. Granholm (8th Cir.): draft brief

Ex. 5 AC/AWP

From: Koppel, Joshua M. (CIV) <Joshua.M.Koppel@usdoj.gov>
Sent: Monday, July 15, 2024 11:07 AM
To: Mumme, Bettina <bettina.mumme@hq.doe.gov>; Mathews, Joseph <Joseph.Mathews@hq.doe.gov>; Zuber, Laura <laura.zuber@hq.doe.gov>; Grace-Tardy, Ami <ami.grace-tardy@hq.doe.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Oliver, Hunter (NHTSA) <hunter.oliver@dot.gov>
Cc: Sandberg, Jeffrey E. (CIV) <Jeffrey.E.Sandberg@usdoj.gov>; Stern, Mark (CIV) <Mark.Stern@usdoj.gov>
Subject: Iowa v. Granholm (8th Cir.): draft brief

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DOE, EPA, and NHTSA colleagues,

Attached is a draft response brief for your review in *Iowa v. Granholm* (petroleum-equivalency factor litigation). Ex. 5 AC/AWP

Ex. 5 AC/AWP

Best,
Josh

Joshua Koppel
Civil Division, Appellate Staff
U.S. Department of Justice
(202) 514-4820

Message

From: Swisz-Hall, Naima [swisz-hall.naima@epa.gov]
Sent: 3/26/2024 1:18:15 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Cullen, Angela [cullen.angela@epa.gov]
CC: Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: TEMPO memo files
Attachments: TEMPO Emails- DecarbonizingMHDV DataAppendix.pdf; HD GHG Ph.3 - RE EXTERNAL EPA-ICCT-EDF Follow-Up Discussion on Adoption Curves.msg - All Documents.pdf

Ex. 5 AC/DP

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, March 26, 2024 9:07 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Cc: Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: TEMPO memo files

Ex. 5 AC/DP

From: Cullen, Angela <cullen.angela@epa.gov>
Sent: Tuesday, March 26, 2024 4:00 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Swisz-Hall, Naima <swisz-hall.naima@epa.gov>
Subject: FW: TEMPO memo files

Andrea,

Ex. 5 AC/DP

Thank you,
Angela

From: Swisz-Hall, Naima <swisz-hall.naima@epa.gov>
Sent: Tuesday, March 26, 2024 2:41 AM
To: Cullen, Angela <cullen.angela@epa.gov>
Subject: TEMPO memo files

Hi Angela,

Ex. 5 AC/DP

Swisz-Hall

Swisz-Hall, Naima

From: Ledna, Catherine <Catherine.Ledna@nrel.gov>
Sent: Friday, September 29, 2023 11:38 AM
To: Sui, Lang; Jadun, Paige
Cc: Yip, Arthur; Muratori, Matteo; Swisz-Hall, Naima; Wang, Alex (he/him/his); Cullen, Angela; Bunker, Amy (she/her/hers); Sanchez, James
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus
Attachments: DecarbonizingMHDV_DataAppendix.xlsx

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Lang,

Ex. 5 Deliberative Process (DP)

Best,
Catherine

From: Sui, Lang <Sui.Lang@epa.gov>
Sent: Thursday, September 28, 2023 5:01 PM
To: Ledna, Catherine <Catherine.Ledna@nrel.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Bunker, Amy (she/her/hers) <Bunker.Amy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

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Hi Catherine,

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

Thank you again for all your help!

Lang

From: Ledna, Catherine <Catherine.Ledna@nrel.gov>
Sent: Thursday, September 14, 2023 10:51 AM
To: Sui, Lang <Sui.Lang@epa.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Bunker, Amy (she/her/hers) <Bunker.Amy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

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Hi Lang,

Just following up on this. Answers are in blue below. Let me know if you have other questions!

Thanks,
Catherine

From: Ledna, Catherine
Sent: Tuesday, September 12, 2023 11:11 AM
To: Sui, Lang <Sui.Lang@epa.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Bunker, Amy (she/her/hers) <Bunker.Amy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

Hi Lang,

Thanks for reaching out. Apologies – I will be somewhat delayed in my response due to other deadlines, but I will aim to get you a reply by this Thursday.

Best,
Catherine

From: Sui, Lang <Sui.Lang@epa.gov>
Sent: Monday, September 11, 2023 8:51 AM
To: Ledna, Catherine <Catherine.Ledna@nrel.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Bunker, Amy (she/her/hers) <Bunker.Amy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

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Hi Catherine,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you again!

Lang

From: Ledna, Catherine <Catherine.Ledna@nrel.gov>
Sent: Tuesday, September 5, 2023 8:20 PM
To: Sui, Lang <Sui.Lang@epa.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Bunker, Amy (she/her/hers) <Bunker.Amy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

Hi Lang,

Ex. 5 Deliberative Process (DP)

Best,
Catherine

From: Sui, Lang <Sui.Lang@epa.gov>
Sent: Thursday, August 31, 2023 7:58 PM
To: Ledna, Catherine <Catherine.Ledna@nrel.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Wang, Alex (he/him/his) <Wang.Alex@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Bunker, Amy (she/her/hers) <Bunker.Amy@epa.gov>; Sanchez, James <sanchez.james@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

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Hi Catherine,

Ex. 5 Deliberative Process (DP)

Your help is very much appreciated and thank you for your time for this work!

Thank you!

Lang

From: Ledna, Catherine <Catherine.Ledna@nrel.gov>
Sent: Thursday, August 31, 2023 8:55 PM
To: Sui, Lang <Sui.Lang@epa.gov>; Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

Hi Lang,

Ex. 5 Deliberative Process (DP)

Thanks,
Catherine

From: Sui, Lang <Sui.Lang@epa.gov>
Sent: Tuesday, August 29, 2023 1:59 PM
To: Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Ledna, Catherine <Catherine.Ledna@nrel.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

Some people who received this message don't often get email from sui.lang@epa.gov. Learn why this is important
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Tomorrow and Thursday at 10 am EDT would work too.

From: Sui, Lang
Sent: Tuesday, August 29, 2023 3:53 PM
To: Jadun, Paige <Paige.Jadun@nrel.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Swisz-Hall, Naima <swisz-hall.naima@epa.gov>; Ledna, Catherine <Catherine.Ledna@nrel.gov>
Subject: RE: TEMPO Steering Committee Meeting: Modeling IRA Focus

Hi Paige,

Yes, would you have time later this week or early next week? We have time after 4 PM tomorrow and 3:30 PM EDT on Thursday. If those times don't work well for you, we can look to next week.

Thank you,

Lang

From: Jadun, Paige <Paige.Jadun@nrel.gov>
Sent: Tuesday, August 29, 2023 3:50 PM
To: Sui, Lang <Sui.Lang@epa.gov>
Cc: Yip, Arthur <Arthur.Yip@nrel.gov>; Muratori, Matteo <Matteo.Muratori@nrel.gov>; Ledna, Catherine <Catherine.Ledna@nrel.gov>
Subject: TEMPO Steering Committee Meeting: Modeling IRA Focus

Hi Lang,

Thanks for joining the TEMPO call today. Please let me know if you would like to set up some time to discuss our MHDV adoption representation further.

Thanks!
Paige

Paige Jadun (she/her)
Senior Researcher – Center for Integrated Mobility Sciences
National Renewable Energy Laboratory
303-384-6887
paige.jadun@nrel.gov

FOIA No. 2026-EPA-03766 ED_021568A_00000485-00006