Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 1/31/2024 4:31:39 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@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: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Wednesday, January 31, 2024 11:23 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, January 31, 2024 11:18 AM
To: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/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: Wednesday, January 31, 2024 11:09 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@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: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Wednesday, January 31, 2024 10:49 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/DP

From: Carrillo, Andrea
Sent: Wednesday, January 31, 2024 10:06 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, January 30, 2024 8:20 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: First 202 rule to use averaging

(dropping Steve)

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 7:38 PM
To: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>
Subject: RE: First 202 rule to use averaging

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: Tuesday, January 30, 2024 7:37 PM
To: Orlin, David <Orlin.David@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>
Subject: RE: First 202 rule to use averaging

Ex. 5 AC/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: Tuesday, January 30, 2024 6:34 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Silverman, Steven <Silverman.Steven@epa.gov>
Subject: RE: First 202 rule to use averaging

Tagging on to this discussion but hopefully not getting bogged down—

Ex. 5 AC/DP

David Orlin (he/him)
US EPA, Office of General Counsel

(202) 564-1222

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

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: 2/1/2024 4:03:09 PM
To: Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: Compliance with 202(b)(1)(C)

Fwiw, Elders Climate Action submitted pretty aggressive comments on HD2027, including legal arguments that took some extra work figuring out how to best respond to them, but obviously didn't file a petition for review.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, February 1, 2024 10:57 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Compliance with 202(b)(1)(C)

Here was Mark's response (I checked the tier 2 and tier 3 final rules and don't see any reference to 202(b) or its factors anywhere)—

Ex. 5 AC/DP

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

From: Orlin, David
Sent: Wednesday, January 31, 2024 6:29 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>
Subject: RE: Compliance with 202(b)(1)(C)

Ex. 5 AC/DP

Note that Elder Climate Action's comments were written by Bob Yuhnke – he was a longtime CAA lawyer at EDF who seems to have retired but is keeping a hand in by writing comments. Geoff or someone might have a sense of how far he would push this issue if we don't give an adequate response.

Ex. 5 AC/DP

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 5:27 PM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: Compliance with 202(b)(1)(C)

David/Kyle –

I only found this comment in LD, not HD, but I am copying Andrea/Stacey for awareness. Ex. 5 AC/DP

Ex. 5 AC/DP

Organization: Elders Climate Action
C. EPA's Failure to Set Zero Emission Standards Violates the CAA.
The CAA declares that the primary purpose of the Act is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." 42 U.S.C. §7401(b)(1). To implement this purpose, section 202(b)(1)(C) grants the Administrator discretion to commence a rulemaking to revise standards previously promulgated under subsection (a)(1), but once that rulemaking is commenced, as here, the Act requires that the Administrator determine what revisions are "needed to protect public health and welfare." That statutory benchmark has not been addressed in this rulemaking, either with respect to the emission reductions needed to prevent endangerment of the public health and welfare from the climate impacts of GHG emissions, or from the impacts of criteria pollutant violations of NAAQS on public health. The failure to undertake an analysis to determine what emission standards are needed to protect public health and welfare renders this rulemaking unlawful and fundamentally flawed. [EPA-HQ-OAR-2022-0829-0737, pp. 6-8]

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

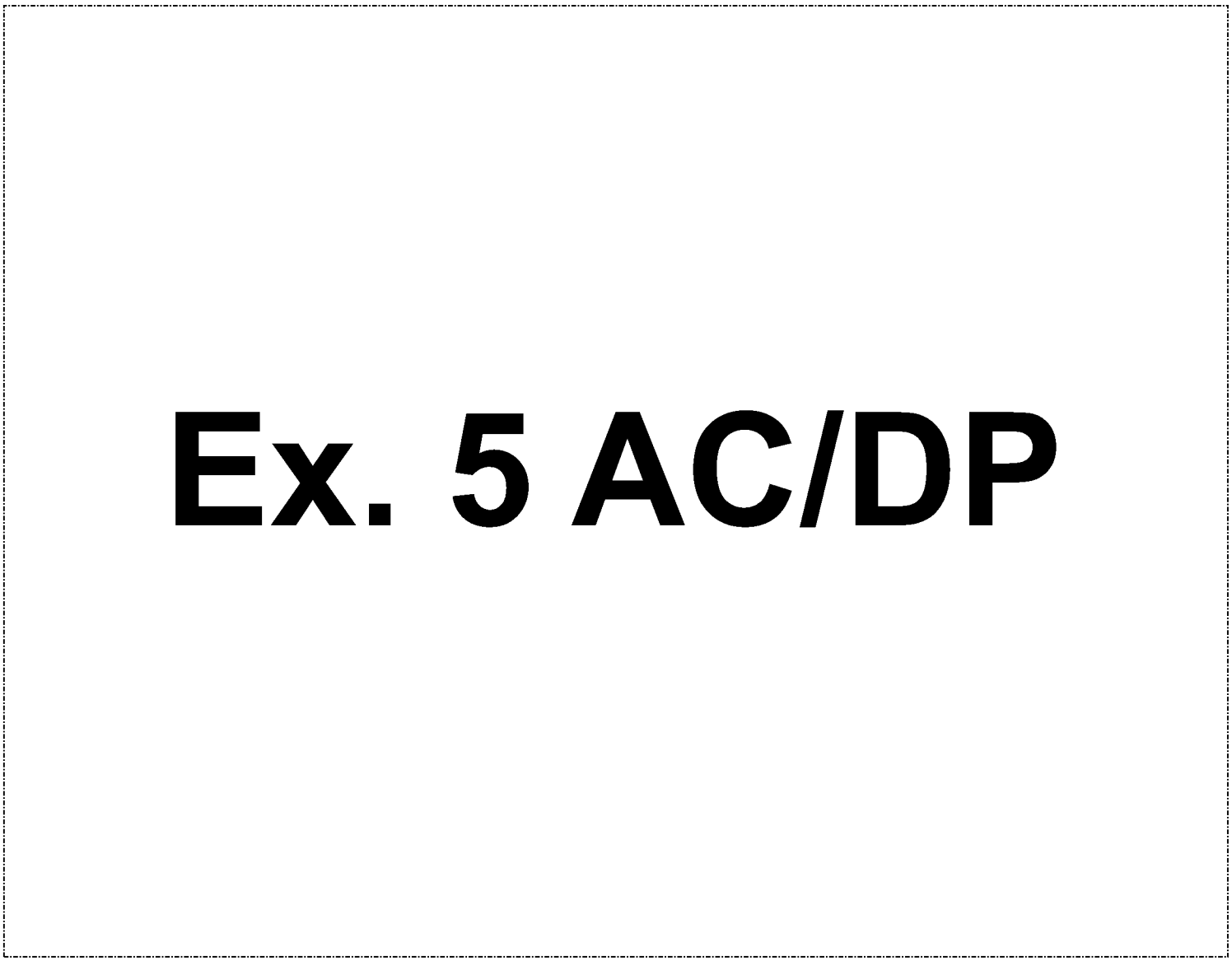
Message

From: Silverman, Steven [Silverman.Steven@epa.gov]
Sent: 2/1/2024 7:44:40 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
CC: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: RTC 10 - ABT, Classes - List of revisions

Could you put in materials on banking and trading? Also, could I get the LDV version so I can be properly sensitive to anything cross cutting?

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

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: 2/1/2024 9:14:14 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Compliance with 202(b)(1)(C)

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 1, 2024 11:41 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: Compliance with 202(b)(1)(C)

Thanks! I also added some additional arguments into the file for you to consider.

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, February 1, 2024 10:57 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Compliance with 202(b)(1)(C)

Here was Mark's response (I checked the tier 2 and tier 3 final rules and don't see any reference to 202(b) or its factors anywhere)—

Ex. 5 AC/DP

I also double-checked John's old title II outline and didn't see anything.

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

From: Orlin, David
Sent: Wednesday, January 31, 2024 6:29 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>

Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>
Subject: RE: Compliance with 202(b)(1)(C)

Ex. 5 AC/DP

Note that Elder Climate Action's comments were written by Bob Yuhnke – he was a longtime CAA lawyer at EDF who seems to have retired but is keeping a hand in by writing comments. Geoff or someone might have a sense of how far he would push this issue if we don't give an adequate response.

Ex. 5 AC/DP

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 5:27 PM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: Compliance with 202(b)(1)(C)

David/Kyle –

Ex. 5 AC/DP

Organization: Elders Climate Action
C. EPA's Failure to Set Zero Emission Standards Violates the CAA.
The CAA declares that the primary purpose of the Act is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." 42 U.S.C. §7401(b)(1). To implement this purpose, section 202(b)(1)(C) grants the Administrator discretion to commence a rulemaking to revise standards previously promulgated under subsection (a)(1), but once that rulemaking is commenced, as here, the Act requires that the Administrator determine what revisions are "needed to protect public health and welfare." That statutory benchmark has not been addressed in this rulemaking, either with respect to the emission reductions needed to prevent endangerment of the public health and welfare from the climate impacts of GHG emissions, or from the impacts of criteria pollutant violations of NAAQS on public health. The failure to undertake an analysis to determine what emission standards are needed to protect public health and welfare renders this rulemaking unlawful and fundamentally flawed.
[EPA-HQ-OAR-2022-0829-0737, pp. 6-8]

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: Moran, Robin [moran.robin@epa.gov]
Sent: 2/1/2024 9:34:38 PM
To: Orlin, David [Orlin.David@epa.gov]; Safoutin, Mike [safoutin.mike@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]
Subject: RE: ES revisions

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, February 1, 2024 4:07 PM
To: Safoutin, Mike <safoutin.mike@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: ES revisions

Ex. 5 AC/DP

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,

Robin asked me to implement Susannah's suggestion to move some of the EV discussion in the LMDV ES to IV.C.1 – ready for you to take a look.
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: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 7/17/2024 7:59:48 PM
To: Koppel, Joshua M. (CIV) [Joshua.M.Koppel@usdoj.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Iowa v. Granholm (8th Cir.): draft brief
Attachments: PEF response brief 7-15-24 EPA comments.docx; PEF standing section 7-17-2024 epa comments.docx

Hi Josh,

Ex. 5 AC/AWP

Thanks,
Seth

From: Koppel, Joshua M. (CIV) <Joshua.M.Koppel@usdoj.gov>
Sent: Wednesday, July 17, 2024 12:32 PM
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: RE: Iowa v. Granholm (8th Cir.): draft brief

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

Hi all,

Ex. 5 AC/AWP

We would appreciate if you can send any comments on this section when you send your comments on the rest of the draft, by noon tomorrow.

Best,

Josh

Joshua Koppel
Civil Division, Appellate Staff
U.S. Department of Justice
(202) 514-4820

From: Koppel, Joshua M. (CIV)
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

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: Orlin, David [Orlin.David@epa.gov]
Sent: 7/29/2024 7:15:23 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Thanks. I did send it to Mark and Mark and thanks for the reminder on the earlier email.

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

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, July 29, 2024 3:11 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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: Monday, July 29, 2024 2:29 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: FW: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, July 29, 2024 2:25 PM
To: 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>
Subject: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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Hi folks; I hope everyone has been well.

Ex. 5 AC/AWP

Sue is out this week and I am just starting to think through the issues and coordinate with Civil but I wanted to give you the heads up right away.

Our supplemental brief is due Aug 19.

Message

From: Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]
Sent: 7/29/2024 10:50:53 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Carter, Elisabeth (ENRD) [Elisabeth.Carter@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Subject: RE: Cert. petition in California Wavier cases
Attachments: ENV_DEFENSE-#1226118-v2-Ohio_-_full_cert_opp.DOCX

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

EPA waiver team –

Ex. 5 AC/AWP

Please send comments back by Wednesday COB.

Thanks,
Chloe

From: Kolman, Chloe (ENRD)
Sent: Friday, July 26, 2024 2:56 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Cert. petition in California Wavier cases

EPA waiver team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Tuesday, July 9, 2024 3:55 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@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

Hi Gautam,

Ex. 5 AC/AWP

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Tuesday, July 9, 2024 9:03 AM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>
Subject: [EXTERNAL] RE: Cert. petition in California Wavier cases

Hi Eric. Circling back on this. Did you want to have a quick call this week or just discuss planning over email?

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

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: Dickinson, David [Dickinson.David@epa.gov]
Sent: 7/30/2024 3:16:33 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: DC Cir July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/DP

David

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, July 30, 2024 11:06 AM
To: Dickinson, David <Dickinson.David@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: DC Cir July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/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, July 30, 2024 9:47 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: DC Cir July 29, 2024 order re Texas and NRDC v NHTSA

https://insideepa.com/daily-news/dc-circuit-reopens-briefing-two-vehicle-cases-standing-deference

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

David

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 7/30/2024 3:41:34 PM
To: Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: DC Clr July 29, 2024 order re Texas and NRDC v NHTSA
Attachments: R28J letter from EPA Apr 2024pdf.pdf

Sorry my email overlapped with David O's email below. I am pasting my email back into this thread for continuity.

Ex. 5 AC/AWP/DP

From David D

Ex. 5 AC/AWP/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, July 30, 2024 11:16 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: DC Clr July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

David Orlin (he/him)
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(202) 564-1222

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, July 30, 2024 11:06 AM
To: Dickinson, David <Dickinson.David@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: DC Clr July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/DP

Ryland Shengzhi Li
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pronouns: he/him/his

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Tuesday, July 30, 2024 9:47 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: DC Clr July 29, 2024 order re Texas and NRDC v NHTSA

https://insideepa.com/daily-news/dc-circuit-reopens-briefing-two-vehicle-cases-standing-deference

Ex. 5 AC/AWP/DP

David

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 7/30/2024 4:45:02 PM
To: Dickinson, David [Dickinson.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: DC Clr July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/DP

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

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Tuesday, July 30, 2024 11:42 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: DC Clr July 29, 2024 order re Texas and NRDC v NHTSA

Sorry my email overlapped with David O's email below. I am pasting my email back into this thread for continuity.

Ex. 5 AC/AWP/DP

From David D

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, July 30, 2024 11:16 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: DC Cir July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/DP

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

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, July 30, 2024 11:06 AM
To: Dickinson, David <Dickinson.David@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: DC Cir July 29, 2024 order re Texas and NRDC v NHTSA

Ex. 5 AC/AWP/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, July 30, 2024 9:47 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: DC Cir July 29, 2024 order re Texas and NRDC v NHTSA

https://insideepa.com/daily-news/dc-circuit-reopens-briefing-two-vehicle-cases-standing-deference

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

David

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 7/31/2024 1:26:38 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

Ex. 5 AC/AWP/DP

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

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, July 29, 2024 4:28 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

Susannah,

Adding David who has been in touch with DOJ regarding this and who may have further thoughts. It may be most productive for us to discuss with you next week as we have until 8/19 to file and Sue Chen is also out of the office this week. But if you prefer we talk at hot topics, we can take 10 min to share initial thoughts then.

Separately, you may recall we have previously filed a 28j regarding Ohio. See the attached.

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

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Monday, July 29, 2024 3:21 PM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

No rest for the weary. We should also find time to talk about this soon.

From: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Sent: Monday, July 29, 2024 3:15 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

The pending light duty vehicle case…

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Monday, July 29, 2024 3:14 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Subject: RE: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

Which case is this?

From: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Sent: Monday, July 29, 2024 3:13 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: FW: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

Did you see this?

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Monday, July 29, 2024 12:28 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Subject: 22-1031 State of Texas, et al v. EPA, et al "Per Curiam Order Filed (Complex Panel)" (EPA-86FR74434)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 07/29/2024 at 12:26:25 PM Eastern Daylight Time and filed on 07/29/2024

Case Name:	State of Texas, et al v. EPA, et al
Case Number:	22-1031
Document(s):	Document(s)

Docket Text:
PER CURIAM ORDER [2067052] filed, on the court's own motion, that the parties file simultaneous, supplemental briefs addressing (1) to what extent, if any, the court's decision in Ohio v. EPA, 98 F.4th 288 (D.C. Cir. 2024), is relevant to petitioners' standing to bring their petitions for review in these cases; and (2) to what extent, if any, the Supreme Court's decision in Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024), is relevant to the issues of statutory interpretation presented in these cases. The parties' supplemental briefs, not to exceed 3,900 words, are due 21 days from the date of this order. Supplemental reply briefs, not to exceed 1,950 words, may be filed 10 days thereafter. Before Judges: Srinivasan, Katsas and Pan. [22-1031, 22-1032, 22-1033, 22-1034, 22-1036, 22-1038, 22-1080, 22-1144, 22-1145]

Notice will be electronically mailed to:

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Samara Lackman Kline: skline@klineappellate.com
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Judith Vale: judith.vale@ag.ny.gov, nyoag.nycpdf@ag.ny.gov
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, mbedell@riag.ri.gov
Patrick Francis Veasy: pveasy@downeybrand.com, slouie@downeybrand.com, dstern@downeybrand.com, rcohen@levatolaw.com
Mr. James K. Vines: jvines@simsfunk.com, rparrish@simsfunk.com, mbarrass@simsfunk.com
Jeffrey B. Wall: wallj@sullcrom.com
Mr. Devin Watkins: devin.watkins@cei.org, devin_97035@yahoo.com
Ms. Ann Brewster Weeks, Senior Counsel: aweeks@catf.us
Gillian E. Wener, Assistant Attorney General: wenerg@michigan.gov, gibsonj16@michigan.gov
Jonathan Andrew Wiener: jonathan.wiener@doj.ca.gov, han.truong@doj.ca.gov
Mr. Michael Ray Williams: michael.r.williams@wvago.gov, choffman@wvago.gov
Mr. Wesley Scott Williams: wesley.williams@oag.texas.gov, david.laurent@oag.texas.gov, laura.courtney@oag.texas.gov, scott.mccarley@oag.texas.gov
Mr. Christian Douglas Wright: christian.wright@delaware.gov, vanessa.kassab@delaware.gov, zachary.dotts@delaware.gov, zachary-dotts-3963@ecf.pacerpro.com
Ms. Elizabeth Wydra, Chief Counsel: Elizabeth@theusconstitution.org
Hannah Yindra: hannah.yindra@vermont.gov

Mr. Peter Michel Zalzal, Attorney: pzalzal@edf.org
Matthew Dwight Zinn: zinn@smwlaw.com, breckenridge@smwlaw.com
Peter Lawrence de la Cruz: delacruz@khlaw.com

Jessica Barclay-Strobel, Counsel: Jessica.BarclayStrobel@doj.ca.gov, joyce.aguins@doj.ca.gov (*daily summary*)
Tiffany Bates, Attorney: tiffany@consovoymccarthy.com (*daily summary*)
Tim Duncheon: tduncheon@cov.com (*daily summary*)
Ms. Cara Ann Horowitz: horowitz@law.ucla.edu (*daily summary*)
Steven Novick: steve.novick@doj.oregon.gov (*daily summary*)
Mr. John A. Sheehan, Attorney: john.sheehan@earthandwatergroup.com (*daily summary*)

Notice will be stored in the notice cart for:

Mr. David Paul Wendelowsk Orlin

The following document(s) are associated with this transaction:
Document Description: Order Sent
Original Filename: /opt/ACECF/live/forms/22-1031_22-1080CCMN.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=07/29/2024] [FileNumber=2067052-0]
[31d2bbf55b544368461fbfb32f86439ceccabdbf7c540d2a203758d3a47d1bf92e7d997b73a56391176d0c7a6f9b1
8ab32faaff11f4a9745bc3a64a1b5d9afd2]]
Recipients:

- Emma Akrawi, Assistant Attorney General
- Alphonse Michael Alfano
- Robert Alt
- Ryan Baasch
- Jessica Barclay-Strobel, Counsel
- James A. Barta
- Tiffany Bates, Attorney
- Mr. Joshua Aries Berman, Senior Attorney
- Mr. Jonathan Andrew Berry
- Mr. Michael James Bostrom
- Mr. Nicholas J. Bronni, Deputy Solicitor General
- Mr. Peter A. Bruland, Attorney
- Michael Burger, Attorney
- Mr. Michael B. Buschbacher
- Sue Si Chen, Trial Attorney
- Ms. Yueh-Ru Chu, Section Chief Affirmative Litigation
- Sara A. Colangelo
- Christian Brian Corrigan
- Daniel R. Dertke
- Ruthanne Mary Deutsch, Attorney

- Joshua Divine, Assistant Attorney General
- Sean H. Donahue
- Mr. David D. Doniger, Counsel
- Alexandria K. Doolittle
- Stuart A. Drake
- Ms. Elizabeth Dubats
- Tim Duncheon
- Shelby Leigh Dyl
- Ian Fein
- Mr. Daniel Jacob Feith, Attorney
- Mr. David Fotouhi
- Brian Rene Frazelle
- Mr. Paul Andrew Garrahan
- Mr. Frank D. Garrison, Attorney
- Mr. Garry M. Gaskins, II
- Sarah Goetz
- Donald L. R. Goodson
- Mr. Neil David Gordon
- Edward James Gorman, Senior Litigation Attorney
- Ms. Brianne Jenna Gorod
- Eric Philip Gotting
- Mr. William G. Grantham, Assistant Attorney General
- Emily Green
- Eric Hamilton
- Micaela Harms, Deputy Attorney General
- Alice Henderson
- Ms. Cara Ann Horowitz
- Peter Huffman
- Ms. Hyland Hunt, Attorney
- Matthew Ireland, Assistant Attorney General
- Andrea Issod
- Mr. Dylan L. Jacobs, Assistant Solicitor General
- Mr. Jason E. James
- Mr. Gabe Johnson-Karp
- Ms. Ann R. Johnston, Sr. Deputy Attorney General
- Robb William Kapla, Attorney
- Vanessa L. Kassab, Deputy Attorney General
- Mr. Scott Allen Keller
- Kevin J. Kennedy

- Christopher Gene King, Assistant Corporation Counsel
- Samara Lackman Kline
- Joshua Michael Koppel
- Mr. Scott Norman Koschwitz, Assistant Attorney General
- Mr. Matthew Franklin Kuhn
- Mr. Edmund Gerard LaCour, Jr.
- Theodore Lamm
- Mr. Lyle T. Leonard, Deputy Assistant Attorney General
- Sean A. Lev, Attorney
- Rachel Levick
- Mr. Matthew Ivan Levine, Assistant Attorney General
- Mr. Martin Levy, Attorney
- Ms. Jennifer L. Lewis
- Justin L. Matheny, Deputy Solicitor
- Mr. Eric Dean McArthur, Attorney
- Mr. Gavin Geraghty McCabe, Deputy Attorney General
- Mr. Thomas Ryan McCarthy, Attorney
- Theodore McCombs
- Caitlan L. McLoon, Deputy Attorney General
- Margaret Elaine Meckenstock
- Mr. Robert Michaels
- Ms. Lisa Jo Morelli
- Mr. Patrick J. Morrisey
- Mr. Matthew W. Morrison, Counsel
- Jessica Morton
- Ms. Kathleen Moriarty Mueller
- Mrs. Elizabeth Baker Murrill, Assistant Attorney General
- Mr. Scott Lawrence Nelson
- Steven Novick
- Devin O'Connor
- Mr. John Caviness O'Quinn
- Mr. David Paul Wendelowsk Orlin
- Ms. Vera P. Pardee
- Ms. Vickie Lynn Patton
- Ms. Brittany M. Pemberton, Attorney
- Rafe Petersen
- Douglas Peterson, Attorney General
- Lanora Christine Pettit, Deputy Solicitor
- Mr. Kevin James Poloncarz, Attorney

- Stanford Purser
- Morgan L. Ratner
- Mr. Christopher Huriaux Reitz, Assistant Attorney General
- Stephanie Lee Safdi
- Mr. Matthew J. Sanders
- Mr. Max Sarinsky
- Seth Gardner Schofield, Assistant Attorney General
- Michael Benjamin Schon, Attorney
- Ms. Lindsay S. See
- Joshua Segal
- Mr. John A. Sheehan, Attorney
- Deborah A. Sivas
- Mr. James Emory Smith, Jr., Assistant Attorney General
- Joanne Marie Spalding
- Mr. Asher Paris Spiller, Assistant Attorney General
- Ms. Mathura Sridharan
- Scott Steinbrecher, Assistant Attorney General
- Mrs. Heidi Parry Stern, Solicitor
- Mark B. Stern, Attorney
- Mr. Judd E. Stone, II
- Michael F. Strande, Assistant Attorney General
- Mr. Andrew Philip Su
- Peter Surdo, Special Assistant Attorney General
- Mr. Robert Donald Swanson
- Mr. Gary Edward Tavetian, Attorney
- Garrison Todd
- Judith Vale
- Caroline S. Van Zile, Deputy Solicitor General
- Stacey Lynn VanBelleghem
- Nicholas M. Vaz
- Patrick Francis Veasy
- Mr. James K. Vines
- Jeffrey B. Wall
- Mr. Devin Watkins
- Ms. Ann Brewster Weeks, Senior Counsel
- Gillian E. Wener, Assistant Attorney General
- Jonathan Andrew Wiener
- Mr. Michael Ray Williams
- Mr. Wesley Scott Williams

- Mr. Christian Douglas Wright
- Ms. Elizabeth Wydra, Chief Counsel
- Hannah Yindra
- Mr. Peter Michel Zalzal, Attorney
- Matthew Dwight Zinn
- Peter Lawrence de la Cruz

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 7/31/2024 1:37:21 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Texas v. EPA / Loper
Attachments: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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: Wednesday, July 31, 2024 9:31 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: FW: Texas v. EPA / Loper

Ex. 5 AC/AWP

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Tuesday, July 2, 2024 6:33 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Texas v. EPA / Loper

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Thanks, Ryland, you too.

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, July 2, 2024 8:04 AM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA / Loper

Ex. 5 AC/AWP

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Monday, July 1, 2024 6:37 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Texas v. EPA / Loper

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

Hi Ryland,

Ex. 5 AC/AWP

Let me know if you have any questions or want to discuss,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, June 28, 2024 5:01 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>

Cc: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] Texas v. EPA / Loper

Hi Sue,

Ex. 5 AC/AWP

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: 7/30/2024 7:46:03 PM
To: Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Orlin, David
Sent: Tuesday, July 30, 2024 11:09 AM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, July 29, 2024 2:25 PM
To: 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>
Subject: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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Hi folks; I hope everyone has been well.

Ex. 5 AC/AWP

Sue is out this week and I am just starting to think through the issues and coordinate with Civil but I wanted to give you the heads up right away.

Our supplemental brief is due Aug 19.

Message

From: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Sent: 6/11/2024 9:00:36 PM
To: Corona, Elizabeth [Corona.Elizabeth@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: RE: Quick question about vehicle rule litigation
Attachments: Petersen v. EPA, Case No. 24-1133 (D.C. Cir. filed May 15, 2024) (petition for review of HD Phase 3).pdf; California et al. Amended Motion to Intervene.pdf

Hi Elizabeth,

Ex. 5 AC/AWP

From: Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Sent: Tuesday, June 11, 2024 4:14 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: Quick question about vehicle rule litigation

Ex. 5 AC/AWP

--
Elizabeth (Elle) Corona
EPA Office of Policy
Cell: 202-596-4766
Pronouns: She/They

Message

From: Greenglass, Nora [Greenglass.Nora@epa.gov]
Sent: 4/24/2024 9:32:17 PM
To: OGC ARLO [OGC_ARLO@epa.gov]
Subject: Oral argument tomorrow in challenge to RFS - Biogas Regulatory Reform Rule
Attachments: Coalition Opening Brief (23-1248).pdf; 2024 02 12 CRNG EPA Response Brief.pdf; Coalition Reply Brief 02.27.2024.pdf

FYI

From: Greenglass, Nora
Sent: Wednesday, April 24, 2024 5:28 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>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; May, Lucas <May.Lucas@epa.gov>; Michaels, Lauren (she/her/hers) <Michaels.Lauren@epa.gov>
Subject: Oral argument tomorrow in challenge to RFS - Biogas Regulatory Reform Rule

Good Afternoon,

On Thursday, April 25, 2024, the D.C. Circuit Court of Appeals will hear oral arguments in *Coalition for Renewable Natural Gas v. EPA*, No. 23-1248. The arguments will be heard by Judges Henderson, Millett, and Garcia. We are the third case on the schedule for the morning—the first argument starts at 9:30 am ET, and we will be in Courtroom 31. EPA will be represented by Kimere Kimball and Alex Purpuro from DOJ's ENRD-EDS. 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.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

For more information or if you have any questions, please contact Nora Greenglass.

Thank you,
Nora

Nora Greenglass (she/her/hers)
Attorney-Advisor
U.S. EPA | Office of General Counsel
Air & Radiation Law Office
Tel: 202-564-3095 (office)
202-603-6299 (cell)

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/25/2024 4:08:16 PM
To: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: FW: Request for a meeting from EDF to discuss several analysis topics from the HDP3 final rule RIA, and the LMDV final rule RIA

CUI//PRIVILEGE

Sue and Sarah,

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

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 –

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 7/31/2024 6:48:04 PM
To: Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Carter, Elisabeth (ENRD) [Elisabeth.Carter@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Subject: RE: Cert. petition in California Wavier cases
Attachments: Ohio v EPA cert opp pre SG EPA review.DOCX

Chloe,

We think the draft is generally looking very good. Our comments are in the attached.

Adan Schwartz (he/him/his)
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
Office Phone: (202) 564-1808

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Monday, July 29, 2024 6:51 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Cert. petition in California Wavier cases

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EPA waiver team –

Ex. 5 AC/AWP

Please send comments back by Wednesday COB.

Thanks,
Chloe

From: Kolman, Chloe (ENRD)
Sent: Friday, July 26, 2024 2:56 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Cert. petition in California Wavier cases

EPA waiver team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Tuesday, July 9, 2024 3:55 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@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

Hi Gautam,

Ex. 5 AC/AWP

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Tuesday, July 9, 2024 9:03 AM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>
Subject: [EXTERNAL] RE: Cert. petition in California Wavier cases

Hi Eric. Circling back on this. Did you want to have a quick call this week or just discuss planning over email?

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

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: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 8/1/2024 7:18:03 PM
To: Schwartz, Adan [Schwartz.Adan@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Carter, Elisabeth (ENRD) [Elisabeth.Carter@usdoj.gov]; Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]
Subject: RE: Cert. petition in California Wavier cases
Attachments: ENV_DEFENSE-#1226590-v1-Ohio_Full_cert_Opp__August_1__2024_draft.DOCX

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Thanks for all the thoughtful comments on this. Attached is a revised draft of the cert. opp. We're aiming to circulate the next version to our front office on Monday.

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Schwartz, Adan <Schwartz.Adan@epa.gov>
Sent: Wednesday, July 31, 2024 2:48 PM
To: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: [EXTERNAL] RE: Cert. petition in California Wavier cases

Chloe,

We think the draft is generally looking very good. Our comments are in the attached.

Adan Schwartz (he/him/his)
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
Office Phone: (202) 564-1808

From: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Sent: Monday, July 29, 2024 6:51 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>

Cc: Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Cert. petition in California Wavier cases

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

EPA waiver team –

Ex. 5 AC/AWP

Please send comments back by Wednesday COB.

Thanks,
Chloe

From: Kolman, Chloe (ENRD)
Sent: Friday, July 26, 2024 2:56 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Cert. petition in California Wavier cases

EPA waiver team –

Ex. 5 AC/AWP

Thanks,
Chloe

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Tuesday, July 9, 2024 3:55 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@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

Hi Gautam,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Tuesday, July 9, 2024 9:03 AM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Dickinson, David <Dickinson.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Carter, Elisabeth (ENRD) <Elisabeth.Carter@usdoj.gov>
Subject: [EXTERNAL] RE: Cert. petition in California Wavier cases

Hi Eric. Circling back on this. Did you want to have a quick call this week or just discuss planning over email?

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

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

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

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: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 7/22/2024 2:38:49 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: CRNG opinion - standard of review observation
Attachments: CRNG - 23-1248 - Opinion Denying Petition for Review.pdf; Sierra Club v. EPA_ 863 F.3d 834.PDF

Ex. 5 AC/DP

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Sent: 7/26/2024 2:01:47 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: HD Briefing Schedule
Attachments: Nebraska v. EPA_Motion to Establish Briefing Schedule_DRAFT.DOCX

Hi Ryland,

Ex. 5 AC/AWP

Thanks!

Regards,

Stacey

Stacey Simone Garfinkle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Direct: (202) 564-3103 | Mobile: (202) 503-6365
garfinkle.stacey@epa.gov
(she/her/hers)

Please note that I may have sent this message 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: Orlin, David [Orlin.David@epa.gov]
Sent: 8/6/2024 7:53:55 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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: Monday, August 5, 2024 4:54 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, August 5, 2024 3:25 PM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, August 5, 2024 3:07 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, August 5, 2024 2:58 PM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Susannah would like to discuss this at hot issues. Just to get current thinking etc, and also because she is going to be out when this is due.

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, July 29, 2024 2:29 PM

To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: FW: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Ex. 5 AC/AWP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, July 29, 2024 2:25 PM
To: 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>
Subject: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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

Hi folks; I hope everyone has been well.

Ex. 5 AC/AWP

Sue is out this week and I am just starting to think through the issues and coordinate with Civil but I wanted to give you the heads up right away.

Our supplemental brief is due Aug 19.

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 8/6/2024 8:18:46 PM
To: Sarver, Benjamin (he/him/his) [Sarver.Benjamin@epa.gov]; McKenna, Chris [McKenna.Chris@epa.gov]; Parsons, Nick [Parsons.Nick@epa.gov]; Burkholder, Dallas [burkholder.dallas@epa.gov]; Machiele, Paul [machiele.paul@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]
CC: Miller, Meredith [Miller.Meredith@epa.gov]; Strickland, Samuel [Strickland.Samuel@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: SRE - background refresher reading - Ergon II
Attachments: Ergon WV 2016 RFS Small Refinery Exemption Decision Post Remand.pdf; EWV v. EPA (published opinion).pdf; EWV - summary of court opinion 11.17.20.docx; Ergon-West Va._ Inc. v. United States EPA_ 896 F.3d 600.pdf

Hi –

Ex. 5 AC/DP

We can discuss as helpful.

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/8/2024 1:37:36 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Texas supplemental brief
Attachments: cars GHG: draft supplemental brief

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, August 8, 2024 8:53 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Texas supplemental brief

Hi David (and copying Gautam too in case he wants to track this), I had some more thoughts this morning, much of which is consistent with our discussion with Susannah. Let me know if you want chat today. Otherwise we'll probably want to talk after we see the draft anyhow.

Ex. 5 AC/DP

Ex. 5 AC/DP

Welcome your thoughts on any of the above, and let me know if you want to chat.

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: 8/9/2024 2:27:05 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)
Attachments: ENV_DEFENSE-#1226780-v4-cars_GHG_supplemental_brief 8-9.docx; EPA NTR post argument opposition to leave to file.pdf; R28J letter from EPA Apr 2024pdf.pdf; 2023.02.24 proof answering brief FILE STAMPED.pdf

Attached is the draft supplemental brief from DOJ for the litigation over the MY2023-2026 light duty GHG standards. DOJ has asked for comments back on Monday so it would be most helpful to get comments by 10 am on Monday.

Ex. 5 AC/AWP

For convenience, I have also attached our brief, our post-argument opposition to Petitioners' motion to supplement the record, and our 28(j) letter on Ohio.

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

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 8/9/2024 7:25:41 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: FW: HD Vehicles - Move to Establish Briefing Schedule
Attachments: Nebraska v. EPA_Motion to Establish Briefing Schedule_v3 for filing.docx

Ex. 5 AC/AWP

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Friday, August 9, 2024 2:59 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: HD Vehicles - Move to Establish Briefing Schedule

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

Hi Andrea, Stacey –

Ex. 5 AC/AWP

Could you please confirm that EPA is signed off on filing the attached?

I'd like to circulate the final draft to petitioners and intervenors for sign-off and preferably get this filed Monday morning.

Thanks!
Jin

From: Lee, Jin Hyung (ENRD)
Sent: Wednesday, August 7, 2024 9:38 AM
To: 'Carrillo, Andrea' <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD Vehicles - Move to Establish Briefing Schedule

Sounds great. I'll circulate the final draft of our joint motion to establish briefing schedule once intervenors get back to me with their inserts.

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Wednesday, August 7, 2024 9:33 AM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD Vehicles - Move to Establish Briefing Schedule

Yes, thanks!

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Tuesday, August 6, 2024 5:06 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD Vehicles - Move to Establish Briefing Schedule

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Yes, we can make that work. With Thanksgiving and the LDV filing deadline, we'll send the HD-specific sections on November 22. I've updated the internal review schedule below. With that addition, does the rest of the schedule work for EPA?

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, August 6, 2024 9:54 AM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD Vehicles - Move to Establish Briefing Schedule

Good morning! Quick question on the internal schedule below: can we get a partial draft of the HD-specific sections (e.g., relating to the record; 4 year lead time issue) earlier on? Those are not dependent on LD, and so they do not need to wait for LD to be completed. We think even an extra couple of days for those sections would help smooth out the workflow, given that the first pass review period is only 3 days.

Thanks,
Andrea

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Tuesday, August 6, 2024 8:45 AM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD Vehicles - Move to Establish Briefing Schedule

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

Morning, Andrea/Stacey –

Ex. 5 AC/AWP

Thanks,
Jin

From: Lee, Jin Hyung (ENRD)
Sent: Friday, July 26, 2024 10:24 AM
To: 'Garfinkle, Stacey' <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD Vehicles - Move to Establish Briefing Schedule

Thanks, Stacey. Will send out the draft motion this afternoon!

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Friday, July 26, 2024 10:19 AM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD Vehicles - Move to Establish Briefing Schedule

Works for us. Thanks, Jin!

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Friday, July 26, 2024 9:52 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD Vehicles - Move to Establish Briefing Schedule

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

Hi Andrea, Stacey - Just wanted to follow up on the below and see if EPA was okay with me starting the process of getting a motion filed to establish a briefing schedule/format in this case. I'd like to reach out to petitioners today if possible. Thanks!

From: Lee, Jin Hyung (ENRD)
Sent: Wednesday, July 24, 2024 6:24 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; 'Garfinkle, Stacey' <garfinkle.stacey@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: HD Vehicles - Move to Establish Briefing Schedule

Hi Andrea, Stacey –

Ex. 5 AC/AWP

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: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 8/13/2024 2:54:46 PM
To: Orlin, David [Orlin.David@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Ex. 5 AC/AWP

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, August 13, 2024 10:44 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Ex. 5 AC/AWP

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

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, August 13, 2024 9:55 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Re: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

FYI I will be on today but via my phone because EISD is on hour 4 of trying to fix my outlook.

Sent from my iPhone

On Aug 13, 2024, at 9:26 AM, Orlin, David <Orlin.David@epa.gov> wrote:

CUI//PRIVILEGE

Ex. 5 AC/AWP

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, August 13, 2024 9:24 AM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

Controlled by U.S. Environmental Protection Agency

From: Li, Ryland (Shengzhi)
Sent: Tuesday, August 13, 2024 9:20 AM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

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, August 13, 2024 8:58 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, August 13, 2024 7:15 AM
To: Orlin, David <Orlin.David@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thank you!

Controlled by U.S. Environmental Protection Agency

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Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

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

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CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Do you think we could block some time tomorrow am to discuss?

Meghan E. Greenfield
Senior Counsel for Litigation
Office of General Counsel
U.S. Environmental Protection Agency
T: 202-564-0177
M: 771-216-2437
E: Greenfield.Meghan@epa.gov

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Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

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(202) 564-1222

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CUI//PRIVILEGE

David

Ex. 5 AC/AWP

Meghan

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Sent: Monday, August 12, 2024 3:44 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Subject: FW: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

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

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Sent: Friday, August 9, 2024 10:27 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Attached is the draft supplemental brief from DOJ for the litigation over the MY2023-2026 light duty GHG standards. DOJ has asked for comments back on Monday so it would be most helpful to get comments by 10 am on Monday.

Ex. 5 AC/AWP

For convenience, I have also attached our brief, our post-argument opposition to Petitioners' motion to supplement the record, and our 28(j) letter on Ohio.

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/13/2024 4:08:04 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards) (revised brief)
Attachments: ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_brief.DOCX

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

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Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

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Sent: Tuesday, August 13, 2024 11:34 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

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US EPA, Office of General Counsel
(202) 564-1222

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Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Hi Susannah and Meghan,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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Ryland Shengzhi Li
US EPA, Office of General Counsel
(202) 564-6787
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Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Thanks. Attached is the RTC for the LMDV.

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

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CUI//PRIVILEGE

Ex. 5 AC/AWP

Finally, can you send me the RTC for the 2024 LDV Rule?

Thank you!

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David

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Meghan

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US EPA, Office of General Counsel
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Subject: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

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

Message

From: Greenfield, Meghan [Greenfield.Meghan@epa.gov]
Sent: 8/13/2024 4:56:15 PM
To: Orlin, David [Orlin.David@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Thanks for the update.

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Office of General Counsel
U.S. Environmental Protection Agency
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David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

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Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

David

Ex. 5 AC/AWP

Meghan

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Sent: Monday, August 12, 2024 3:44 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Subject: FW: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

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

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To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Ex. 5 AC/AWP

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

Message

From: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Sent: 6/11/2024 9:09:33 PM
To: Corona, Elizabeth [Corona.Elizabeth@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Subject: RE: Quick question about vehicle rule litigation
Attachments: CCAEJ Motion to Intervene (June 10, 2024).pdf; CCAEJ Motion to Intervene_Attach 1 (June 10, 2024).pdf; CCAEJ Motion to Intervene_Attach 2 (June 10, 2024).pdf; CCAEJ Motion to Intervene_Attach 3 (June 10, 2024).pdf

As an update, it looks like a motion to intervene on our behalf was filed yesterday by the Center for Community Action and Environmental Justice and the Rio Grande International Study Center.

From: Garfinkle, Stacey
Sent: Tuesday, June 11, 2024 5:01 PM
To: Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: RE: Quick question about vehicle rule litigation

Hi Elizabeth,

Ex. 5 AC/AWP

From: Corona, Elizabeth <Corona.Elizabeth@epa.gov>
Sent: Tuesday, June 11, 2024 4:14 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: Quick question about vehicle rule litigation

Ex. 5 AC/AWP

--
Elizabeth (Elle) Corona
EPA Office of Policy
Cell: 202-596-4766
Pronouns: She/They

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 7/3/2024 12:00:03 AM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
Subject: RE: cert petn in ohio v. epa (California waiver)
Attachments: Diamond Alternative v Environmental Protection - Petition for Writ.pdf

Ex. 5 AC/AWP

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

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, July 2, 2024 10:45 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: cert petn in ohio v. epa (California waiver)

Hi all,

Ex. 5 AC/AWP

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: Orlin, David [Orlin.David@epa.gov]
Sent: 5/6/2024 6:50:57 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: vehicles meetings

This is an initial list of questions we got from DOJ on LMDV. I am trying to split the first 7 questions up into 3 calls with OTAQ and then cover the rest of the questions by email. I think Sarah Buckley is probably going to get invited to these as well so if you want I can add you to the invite as well.

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, May 2, 2024 10:06 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: vehicles meetings

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Hi David,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, April 25, 2024 6:12 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: [EXTERNAL] RE: vehicles meetings

Sure. I'll give OTAQ a heads up but there were over 60 people who worked on the rule so I don't really think I can propose times without knowing what the topics are (because that will determine who should be there), if that makes sense.

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, April 25, 2024 5:23 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: vehicles meetings

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

Hi David,

Thank you once again for the helpful overview on Title II today & for everyone's patience answering our questions. For our meeting with the program, we think it makes sense to have one for LMD & another for HD. Even if there are overlaps, frankly we would benefit by hearing the same thing twice. We are going to compile a list of topics that we struggle with & send it to you so that the program knows what to prepare for. Meanwhile, let us know of some dates that work for EPA.

Also, thanks for letting us know about EDF's request for a meeting. We would very much like to attend, both for our own edification & to better understand what EDF is thinking. Please let us know when that's scheduled.

Thanks,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division

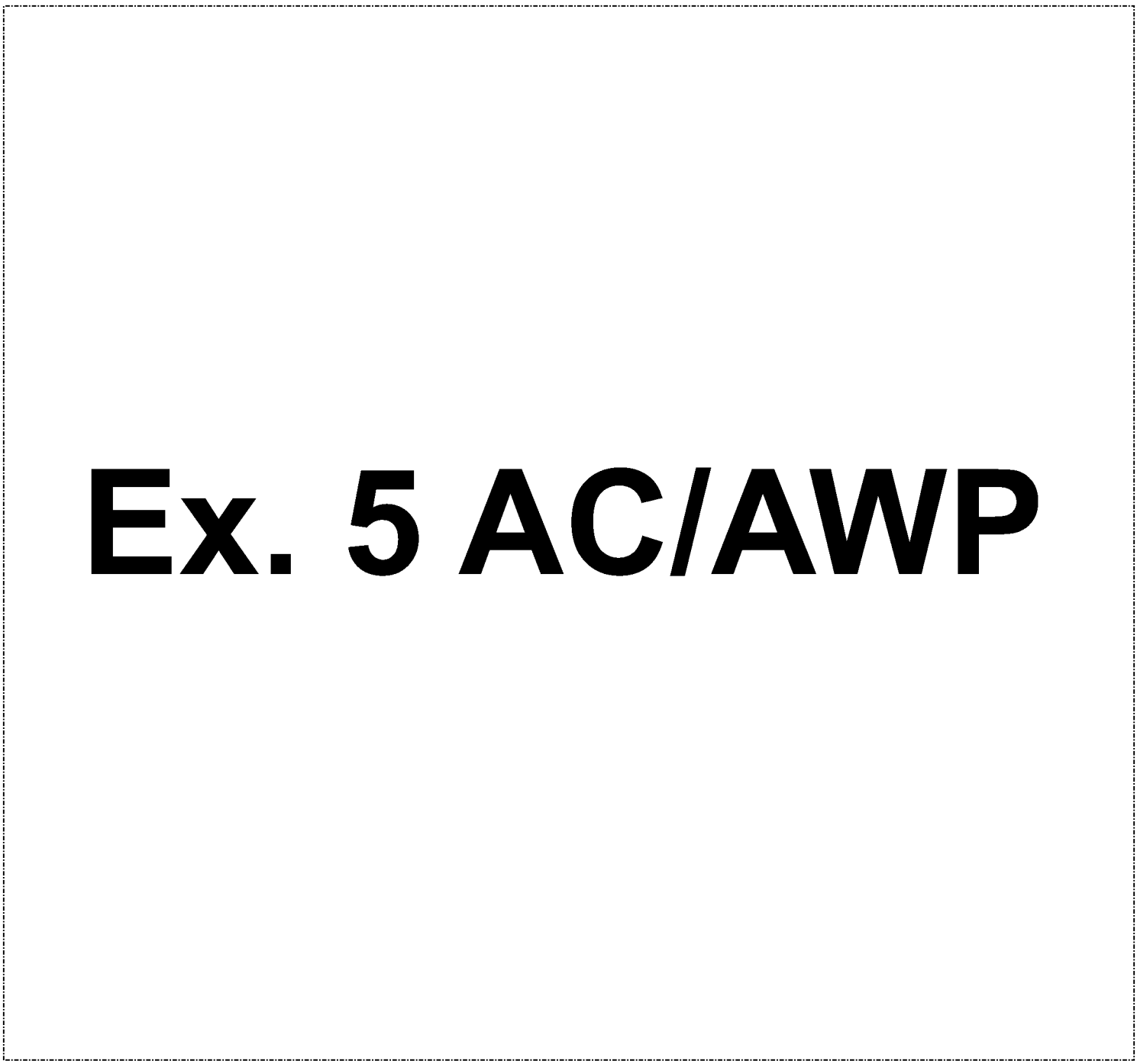
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Sent: 3/28/2024 1:52:24 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: LDV General Discussion

Thanks, Ryland! Appreciate you sending along the notes.

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, March 27, 2024 5:07 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: LDV General Discussion



Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

-----Original Appointment-----
From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Friday, March 22, 2024 8:58 AM
To: Weaver, Susannah; Weaver, Susannah; Srinivasan, Gautam; Li, Ryland (Shengzhi); Orlin, David; Durch, Kyle; Maiolatesi, Ashley; Chen, Sue (ENRD); sean@donahuegoldberg.com
Cc: Carrillo, Andrea; Garfinkle, Stacey; Fein, Ian; Alice Henderson; Theodore McCombs; Elaine Meckenstock; Hostetler, Eric (ENRD); Kim, Todd (ENRD); Buckley, Sarah (ENRD); Marks, Matthew; Micaela Harms; Megan Herzog
Subject: LDV General Discussion
When: Wednesday, March 27, 2024 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams meeting

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sip:teams@video.epa.gov
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Or call in (audio only)
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Phone Conference ID: 474 058 563#
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Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/15/2024 6:39:49 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
CC: Kataoka, Mark [Kataoka.Mark@epa.gov]; Frank, Carin (she/her/hers) [Frank.Carin@epa.gov]
Subject: FW: cars GHG: NGO intervenors' draft
Attachments: Texas v EPA NGO Supp Br - DRAFT Aug 14.docx

fyi

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, August 15, 2024 2:19 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: cars GHG: NGO intervenors' draft

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

Hi David,
Here's the draft we got from the NGOs. **Ex. 5 AC/AWP**
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/16/2024 12:22:25 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: FW: cars GHG: states' draft brief
Attachments: Texas Supplemental Brief (State Intervenors) circulation draft 8.13.24.docx

Ex. 5 AC/AWP

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, August 15, 2024 8:08 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: cars GHG: states' draft brief

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

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/16/2024 12:39:08 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]
CC: Durch, Kyle [Durch.Kyle@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you
Attachments: Texas Supplemental Brief (State Intervenors) circulation draft 8.13.24.docx; Texas v EPA NGO Supp Br - DRAFT Aug 14.docx

CUI//PRIVILEGE

You may already have these but in case you don't and would like to see them, attached are copies of the NGO and state intervenor draft briefs.

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Friday, August 16, 2024 8:30 AM
To: Orlin, David <Orlin.David@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you

CUI//PRIVILEGE

Thanks David. Meghan and I are talking to Todd and Seth again at 9am today. Hopefully we'll get a new draft back soon.

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, August 15, 2024 4:47 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you

CUI//PRIVILEGE

I heard from Sue that she has received some comments from OASG and she is working on incorporating those and all of your comments into the draft. They also sent a draft to OSG and are waiting to hear back from them.

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

Controlled by U.S. Environmental Protection Agency

From: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Sent: Wednesday, August 14, 2024 11:30 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you

CUI//PRIVILEGE

Hi all –

I've finished reviewing the current draft and—from my view—it is ready to send to EDS. Please copy me on the email when you do that so that I can then loop in the ENRD FO. I look forward to discussing the standing issue at hot issues today.

Meghan

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, August 14, 2024 11:00 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Re: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you

Ex. 5 AC/AWP

Thank you!

On Aug 14, 2024, at 10:29 AM, Orlin, David <Orlin.David@epa.gov> wrote:

Ex. 5 AC/AWP

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

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, August 14, 2024 10:19 AM
To: Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you

Ex. 5 AC/AWP

I would appreciate you taking a look at the other changes and comments I've made to let me know if you think any are off base.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, August 14, 2024 9:50 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you

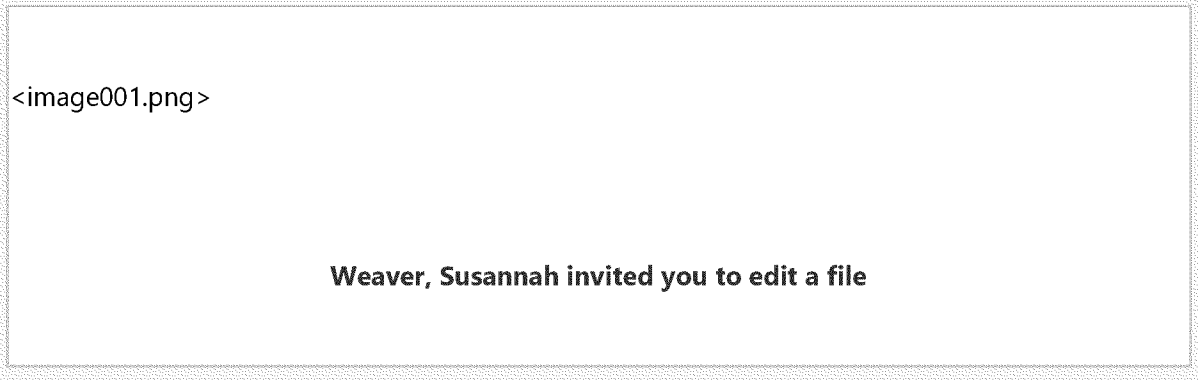
Thanks, Susannah. We can certainly pass these on, or find a time to discuss (including hot issues).

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, August 14, 2024 8:56 AM
To: Durch, Kyle <Durch.Kyle@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Weaver, Susannah shared "ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW" with you



Hi all,

Ex. 5 AC/AWP

<image002.png> ENV_DEFENSE-#1226780-v6-cars_GHG_supplemental_briefSW

<image003.png> This invite will only work for you and people with existing access.

<image004.png> <image005.png>

<image006.png>

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Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 9/5/2024 11:44:26 AM
To: Charmley, William (he/him/his) [charmley.william@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Cullen, Angela [cullen.angela@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules
Attachments: NTR Joint Appendix.pdf

Hi Bill,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks (in advance) for all the help,

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, September 5, 2024 6:32 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules

Dear David and ARLO team

Ex. 5 AC/AWP

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, June 26, 2024 10:36 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules

Bill,

Ex. 5 AC/AWP

Thanks,

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

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Tuesday, June 25, 2024 1:41 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; 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: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Status/list of the various challenges on the LMDV and HDP3 rules

Dear Rylan, Stacey, Andrea, Kyle and David -

Ex. 5 AC/AWP

Thanks
Bill

Message

From: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 9/9/2024 12:45:53 PM
To: Orlin, David [Orlin.David@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Moran, Robin [moran.robin@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Cullen, Angela [cullen.angela@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules
Attachments: 2024-09-06-2073654 - Private Parties' Opening Brief - corrected + Addendum.pdf; 2024-09-06-2073629 - Kentucky et al Opening Brief + Addendum.pdf

Nolbaum, Seth (he/him/his) has shared OneDrive for Business files with you. To view them, click the links below.

2024-09-06 States' Opening Brief EPA comments.docx

2024-09-06 Private Parties' Opening Brief EPA Comments.docx

Hi Bill,

The two briefs (sans addenda) are attached in Word and PDF form. Please feel free to read and enter any comments that occur to you on the Word docs, this is an internal document that David and I will pare down as appropriate before sharing with DOJ. I have not looked at these in detail yet. I will also forward on to the relevant folks in OTAQ—Robin/Mike you'll be included and can continue forwarding as necessary.

Please let me know if you have any questions or thoughts.

Thanks,
Seth

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, September 5, 2024 7:44 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules

Hi Bill,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks (in advance) for all the help,

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, September 5, 2024 6:32 AM
To: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules

Dear David and ARLO team

Ex. 5 AC/AWP

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, June 26, 2024 10:36 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson,

Brian <nelson.brian@epa.gov>
Subject: RE: Status/list of the various challenges on the LMDV and HDP3 rules

Bill,

Ex. 5 AC/AWP

Thanks,

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

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Tuesday, June 25, 2024 1:41 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; 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: Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Cullen, Angela <cullen.angela@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Status/list of the various challenges on the LMDV and HDP3 rules

Dear Rylan, Stacey, Andrea, Kyle and David -

Ex. 5 AC/AWP

Thanks
Bill

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 6/13/2024 6:41:51 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: FW: multipollutant: fuel petitions
Attachments: Corn Indus Petition.pdf

And one more—Jeff Wall representing the Chamber of Commerce, some corn growers associations, Clean Fuel Development Coalition and Valero.

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

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Thursday, June 13, 2024 2:16 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: multipollutant: fuel petitions

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

Based on the court's consolidation order, I saw that we have one more fuel petitioning group (corn industry). I invited them to the call today.

From: Lee, Jin Hyung (ENRD)
Sent: Thursday, June 13, 2024 2:03 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: multipollutant: fuel petitions

Good call. Will do that now

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, June 13, 2024 2:00 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: RE: multipollutant: fuel petitions

Ex. 5 AC/AWP

Jin, you might want to drop an email to counsel for the new petitioners & invite them to this afternoon's call in case they can make it.

Sue Chen
U.S. Department of Justice

Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, June 13, 2024 1:45 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: [EXTERNAL] RE: multipollutant: fuel petitions

Ex. 5 AC/AWP

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, June 13, 2024 1:27 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: multipollutant: fuel petitions

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

Here you go. We now have Paul Clement in the mix.

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 9/10/2024 12:53:46 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: Diamond Alternative Energy
Attachments: 20240909153637296_24-13.pdf; 20240909185910874_24-7 Diamond Alternative Energy_v_EPA.pdf

CUI//PRIVILEGE

Gautam,

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Sent: Monday, September 9, 2024 10:29 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: Diamond Alternative Energy

CUI//PRIVILEGE

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All – here are the as-filed briefs in these cases.

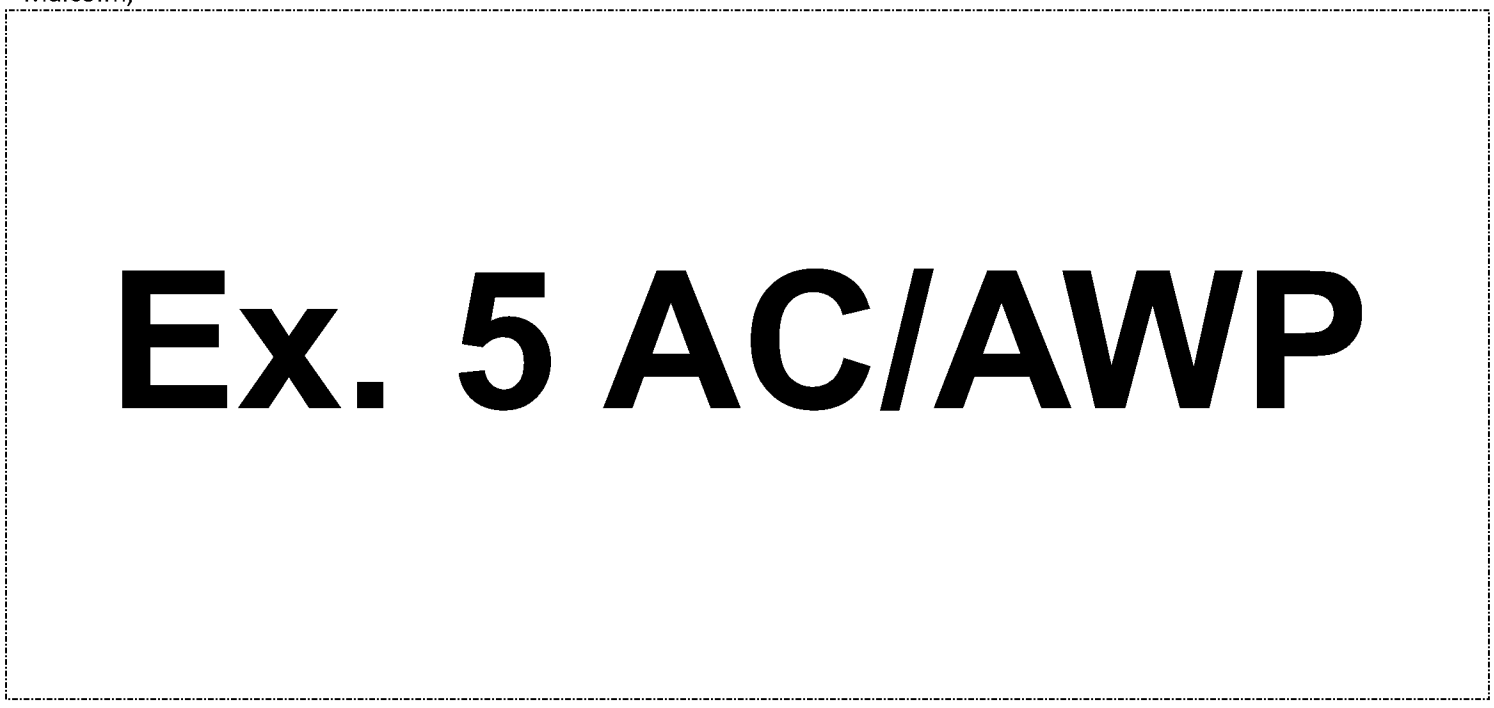
Thanks very much,
Ephraim

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Monday, September 9, 2024 12:17 PM
To: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: [EXTERNAL] RE: Diamond Alternative Energy

CUI//PRIVILEGE

Malcolm,



Thank you again for all of your work on this.

Susannah

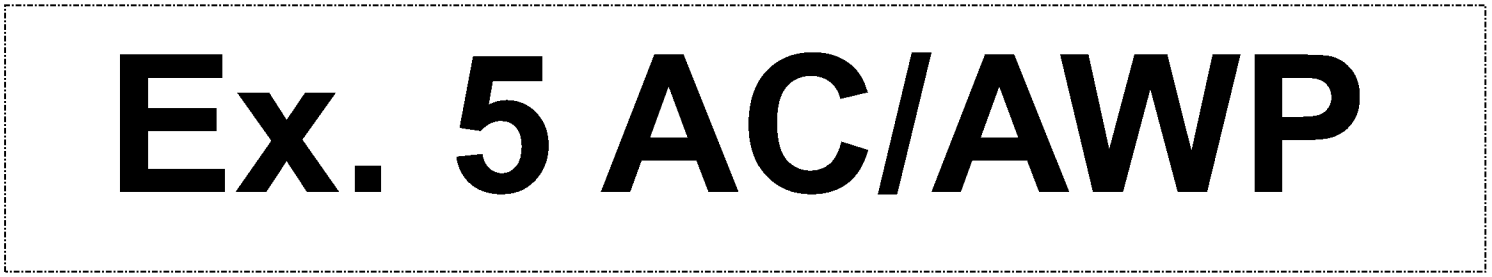
Controlled by U.S. Environmental Protection Agency

From: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Sent: Monday, September 9, 2024 11:37 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: Diamond Alternative Energy

CUI//PRIVILEGE

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Susannah,



Ex. 5 AC/AWP

Malcolm

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Monday, September 9, 2024 10:37 AM
To: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Subject: [EXTERNAL] RE: Diamond Alternative Energy

CUI//PRIVILEGE

Good morning Malcolm, Ephraim, and all,

Ex. 5 AC/AWP

Thank you again for all of your tireless work on this excellent BIO.

Sincerely,

Susannah

Controlled by U.S. Environmental Protection Agency

From: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Sent: Sunday, September 8, 2024 6:40 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Subject: RE: Diamond Alternative Energy

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Ex. 5 AC/AWP

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Sunday, September 8, 2024 12:01 PM
To: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Subject: [EXTERNAL] RE: Diamond Alternative Energy

Hi Ephraim,

Ex. 5 AC/AWP

Thanks,
Susannah

From: Weaver, Susannah
Sent: Saturday, September 7, 2024 6:16 PM
To: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Subject: RE: Diamond Alternative Energy

Thank you both for your careful consideration. I'll discuss this within EPA and get back to you in the morning tomorrow. We greatly appreciate your work on this case.

From: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Sent: Saturday, September 7, 2024 4:57 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Subject: Diamond Alternative Energy

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Ex. 5 AC/AWP

Please let us know if there are any final suggestions; otherwise, we will proceed with finalizing the brief for filing on Monday.

Thanks again,
Ephraim

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/21/2024 9:28:53 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: multipollutant: draft statutory arguments (round 1)
Attachments: draft answering brief v3 +OGC.docx

Because Sue is asking for more big picture comments than word smithing or technical issues I am not going to ask the program to review this (and probably I won't even share it, but I did tell them it was coming so I might). Sue did ask for a call Friday afternoon and to send comments back before Thursday if we could, so I will probably pick a time for a call.

Ryland—I am not suggesting you should prioritize looking at this especially given your reentry timing but given that Sue is asking for high level feedback on whether we are missing arguments etc and it's just the chunk on statutory authority/MQD I thought I'd offer you the chance.

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Monday, October 21, 2024 4:14 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: multipollutant: draft statutory arguments (round 1)

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

Team,

Ex. 5 AC/AWP

Please send along your consolidated edits by this Thursday. But of course earlier is always better.

Thanks,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/22/2024 3:35:34 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: multipollutant: draft statutory arguments (round 1)
Attachments:LD Vehicle Emissions_Background2_DRAFT v4+ EPA.DOCX

Orlin, David has shared a OneDrive for Business file with you. To view it, click the link below.

LD Vehicle Emissions - AH portions3+EPA.DOCX

I have the other 2 pieces but I didn't think it made sense for you to look at them yet (they are attached if you'd like to see them).

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: Tuesday, October 22, 2024 11:28 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: multipollutant: draft statutory arguments (round 1)

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, October 22, 2024 11:10 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: multipollutant: draft statutory arguments (round 1)

Sounds good.

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: Tuesday, October 22, 2024 10:57 AM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: multipollutant: draft statutory arguments (round 1)

Ex. 5 AC/AWP

Also, can you please remind me of the review schedule? I cannot seem to find the email that contains it.

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, October 21, 2024 5:29 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: multipollutant: draft statutory arguments (round 1)

Because Sue is asking for more big picture comments than word smithing or technical issues I am not going to ask the program to review this (and probably I won't even share it, but I did tell them it was coming so I might). Sue did ask for a call Friday afternoon and to send comments back before Thursday if we could, so I will probably pick a time for a call.

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Monday, October 21, 2024 4:14 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: multipollutant: draft statutory arguments (round 1)

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

Team,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Please send along your consolidated edits by this Thursday. But of course earlier is always better.

Thanks,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 10/25/2024 1:38:54 AM
To: Orlin, David [Orlin.David@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: RE: multipollutant: draft statutory arguments (round 1)
Attachments: 2024-09-06-2073654 - Private Parties' Opening Brief - corrected with LD only highlighter.pdf

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, October 21, 2024 5:29 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: multipollutant: draft statutory arguments (round 1)

Because Sue is asking for more big picture comments than word smithing or technical issues I am not going to ask the program to review this (and probably I won't even share it, but I did tell them it was coming so I might). Sue did ask for a call Friday afternoon and to send comments back before Thursday if we could, so I will probably pick a time for a call.

Ryland—I am not suggesting you should prioritize looking at this especially given your reentry timing but given that Sue is asking for high level feedback on whether we are missing arguments etc and it's just the chunk on statutory authority/MQD I thought I'd offer you the chance.

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Monday, October 21, 2024 4:14 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: multipollutant: draft statutory arguments (round 1)

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

Team,

Ex. 5 AC/AWP

Please send along your consolidated edits by this Thursday. But of course earlier is always better.

Thanks,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/16/2024 3:12:17 PM
To: Charmley, William (he/him/his) [charmley.william@epa.gov]; Dunham, Sarah (she/her/hers) [Dunham.Sarah@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]
Subject: RE: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Orlin, David has shared a OneDrive for Business file with you. To view it, click the link below.

ENV_DEFENSE-#1242694-v1-cars_GHG_revised_supplemental_brief_(post_OSG_comments).docx

Sarah and Bill,

Ex. 5 AC/AWP

Thanks very much and please let me know if you have any questions or concerns,

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

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Wednesday, July 31, 2024 1:39 PM
To: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Subject: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Dear Sarah -

Ex. 5 AC/AWP

David & Ryland - please let us all know if I didn't capture all of this correctly.

Thanks
Bill

E&E News

DC Circuit asks how Chevron's fall could affect Biden car rules

The court also ordered parties to explain how the Supreme Court's decision to block EPA's "good neighbor" rule is relevant to the cases.

BY: **LESLEY CLARK,** | 07/30/2024 04:16 PM EDT

E&E NEWS PM | A federal appeals court wants to know what impact the demise of the *Chevron* doctrine could have in two lawsuits over high-profile Biden administration climate rules.

In a short order issued Monday, the U.S. Court of Appeals for the District of Columbia Circuit asked parties in lawsuits over vehicle standards from EPA and the National Highway Traffic Safety Administration to submit briefs on whether the Supreme Court's June ruling in *Loper Bright Enterprises v. Raimondo* makes a difference to their claims.

The order illustrates the sweeping effect of the high court's decision last month to jettison *Chevron*, a 40-year-old legal theory that said judges should generally defer to agencies' reasonable interpretations when it comes to uncertainty in federal law.

After *Loper Bright* was decided, a separate federal appeals court in Louisiana sent one of the Biden administration's more unconventional efforts to tackle climate change back to a lower court. The decision is expected to ripple through other pending lawsuits on a variety of policy matters.

The D.C. Circuit on Monday also asked parties in the vehicle litigation to explain whether the Supreme Court's decision in *Ohio v. EPA* is relevant to the cases. In *Ohio*, the justices halted EPA's "good neighbor" rule governing smog-forming pollution that crosses state borders.

That decision, which reached the Supreme Court through its emergency or "shadow" docket, was a preliminary victory for Republican-led states and industry groups that will still need to slug it out in the lower courts over the merits of the EPA rule.

Parties in the auto lawsuits have 21 days to respond to the D.C. Circuit's request.

In one of the lawsuits, conservative critics are challenging EPA's decision to tighten tailpipe emissions standards, arguing that the rules run afoul of *West Virginia v. EPA*. The 2022 Supreme Court decision said that under the major questions doctrine, EPA needed congressional approval to impose regulations forcing coal-fired plants to switch to renewable sources.

EPA's tailpipe regulation — which applies to vehicles that are already on the road through 2026 — sought to reverse a Trump-era rollback and cut greenhouse gas emissions. Ken Paxton of Texas and 14 other Republican attorneys general say their states would suffer "pocketbook injury" because the rule would reduce oil extraction, and they depend on revenue from fossil fuel development.

The Biden administration has argued that the major questions doctrine does not apply to EPA's car rule because the regulation broke no new legal ground. The D.C. Circuit had appeared skeptical during arguments in September that EPA had overstepped its congressional authority by setting limits on vehicle emissions.

The second case is a consolidated challenge to NHTSA's tailpipe emissions standards for cars built from 2024 through 2026. The D.C. Circuit had appeared more skeptical of the Biden administration's position in the NHTSA case.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, July 29, 2024 2:53 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: FW: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

The DC Circuit just asked the parties to file supplemental briefs in the challenge to the near term rule by August 19 on: 1) the relevance of the court's decision upholding the CA waiver on standing grounds to

the standing of these petitioners to challenge the MY2023-2026 standards; and 2) the relevance of Loper Bright (the case overturning Chevron) to the statutory interpretation issues in the cases.

Ex. 5 AC/AWP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, July 29, 2024 2:25 PM
To: 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>
Subject: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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Hi folks; I hope everyone has been well.

Ex. 5 AC/AWP

Sue is out this week and I am just starting to think through the issues and coordinate with Civil but I wanted to give you the heads up right away.

Our supplemental brief is due Aug 19.

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/30/2024 9:16:21 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: Fwd: multipollutant: round 2 review
Attachments: ENV_DEFENSE-#1268943-v2-multipollutant_answering_brief.DOCX; LD Vehicle Emissions_Background2_DRAFT v5.DOCX

I'll put this up on SharePoint but here is the latest draft of the brief defending the LMDV and Sue's notes on status.

David Orlin

Begin forwarded message:

From: "Chen, Sue (ENRD)" <Sue.Chen@usdoj.gov>
Date: October 30, 2024 at 3:58:56 PM EDT
To: "Orlin, David" <Orlin.David@epa.gov>, "Nolbaum, Seth (he/him/his)" <Nolbaum.Seth@epa.gov>, "Durch, Kyle" <Durch.Kyle@epa.gov>
Cc: "Lee, Jin Hyung (ENRD)" <Jin.Hyung.Lee@usdoj.gov>, "Hardee, Alex (ENRD)" <Alex.Hardee@usdoj.gov>
Subject: multipollutant: round 2 review

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

Team,

Ex. 5 AC/AWP

Thanks much,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Hughes, Jeffrey (ENRD) [Jeffrey.Hughes@usdoj.gov]
Sent: 11/7/2024 3:36:19 AM
To: Stahle, Susan [Stahle.Susan@epa.gov]
CC: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Harrison, Bryan (ENRD) [Bryan.Harrison@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: Calumet brief - EPA edits/comments
Attachments: 2024-11-06 Calumet Merits Brief Redline.docx; ENV_DEFENSE-#1269926-v2-Calumet_Merits_Brief.docx

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

Sue and team,

Thanks again for the draft. Attached is a redline showing my changes and a clean version in which I respond to open comments. Let's speak in the morning – how about 10am?

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:26 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

We have included several suggestions through comments to the brief. Please take a look, then let's discuss. Thanks.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, November 6, 2024 5:19 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Thanks, Sue!

Ex. 5 AC/AWP

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:02 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Hi Jeff –

Thank you for your work on this draft brief. Included in the attached are EPA edits and comments.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Monday, November 4, 2024 2:20 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>
Subject: RE: Calumet brief - out this morning - cc folks on this email when sending it over

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

Dear all,

Attached is a draft merits brief in *Calumet*. A few notes:

Ex. 5 AC/AWP

Thanks, and I look forward to your thoughts.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Monday, November 4, 2024 7:42 AM
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Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: [EXTERNAL] Calumet brief - out this morning - cc folks on this email when sending it over

Hi Jeff –

I am out this morning for a dental appointment (working on fixing a broken tooth) so if you happen to send over the draft *Calumet* brief this morning (before 11:00 am) please cc the other folks on this email so we can get it distributed to EPA folks while I am out.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 11/7/2024 1:41:53 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: FW: Calumet brief - revised version - comments due back to DOJ by COB Friday
Attachments:2024-11-06 Calumet Merits Brief Redline.docx

Stahle, Susan has shared a OneDrive for Business file with you. To view it, click the link below.

Calumet SC Draft Merits Brief v2 110724 - EPA comments.docx

Here is a revised version of the brief – a redline and a shared version of a clean version to review/edit.

DOJ is asking for our final edits/comments on this version by COB Friday so it can prepare a version to send to Susannah and Matt L tomorrow.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, November 6, 2024 10:36 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
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Sue and team,

Thanks again for the draft. Attached is a redline showing my changes and a clean version in which I respond to open comments. Let's speak in the morning – how about 10am?

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Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 11/8/2024 8:41:46 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: RE: Calumet brief - EPA edits/comments - please add final edits/comments by 4:00 pm today

CUI//PRIVILEGE

I've also finished my review. I'll be available if you need anything further from me.

Ex. 5 AC/AWP

I hope everyone has a great weekend.

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

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, November 8, 2024 3:26 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments - please add final edits/comments by 4:00 pm today

Ex. 5 AC/AWP

I am going to drop offline for the weekend now. Good luck on this - Dan

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, November 8, 2024 1:17 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Srinivasan, Gautam

<Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments - please add final edits/comments by 4:00 pm today

My two cents:

Ex. 5 AC/AWP

Jeanhee Hong (she/her)
Attorney-Advisor, Air and Radiation Law Office
USEPA Office of General Counsel
(202) 565-0040

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Friday, November 8, 2024 8:48 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his)

<lee.michaelg@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments - please add final edits/comments by 4:00 pm today

Thanks Dan.

Ex. 5 AC/AWP

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, November 8, 2024 10:43 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

(Just EPA folks) This is all TLDR, so use your judgment….

Three thoughts coming out of the discussion yesterday that might be somewhat novel:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Friday, November 8, 2024 9:43 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

Hi –

Yes, thanks for the call yesterday, and I agree it was very productive on our many points!

Ex. 5 AC/AWP

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Friday, November 8, 2024 9:27 AM
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Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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Thanks for the productive conversation yesterday; I think we made progress towards reaching consensus.

Ex. 5 AC/AWP

From: Hughes, Jeffrey (ENRD)
Sent: Thursday, November 7, 2024 3:11 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

Sorry, Dan and Rosemay, I didn't see that you were added to the latest email. I'll send it to you.

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Thursday, November 7, 2024 3:09 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

I think maybe Rosemary and I did not get the new call in for 330?

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 1:18 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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Hi Sue,

That's fine, I'll resend the invite.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 12:35 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Jeff – is it possible to reschedule this to 3:30 pm? It would allow Matt and Gautam to attend which I think would be beneficial to discussing and hopefully resolving the issues in the brief, which will help get a final draft prepared for Matt L and Susannah.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 11:39 AM
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Subject: RE: Calumet brief - EPA edits/comments

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I'm sending it now – I was without access to my email this morning.

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, November 7, 2024 11:38 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Is this invite still coming or did I miss it?

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

T: 202-564-3276
M: 202-603-6170
E: marks.matthew@epa.gov

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To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
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Subject: RE: Calumet brief - EPA edits/comments

You could include everyone on this email – I don't think everyone will show up but it will give them the option. At least Jeanhee and I will be there! 😊

Thanks for the clarity. We'll work with that timeline.

And so we are clear on the next round for Susannah's review, given Monday is a federal holiday, when are you expecting edits back from her?

Susan Stahle
OGC/ARLO
(202) 564-1272

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Hi Sue, that works for us, I'll send an invite. Should I include everyone on this email or just you and Jeanhee?

Also, so we're all on the same page: because time is short, we'll need to finalize our staff-level edits by COB tomorrow so I can flip the brief to Susannah and Matt.

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 8:08 AM
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Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Thanks Jeff. It would be best if Jeanhee could join us for this call, and she is on the west coast, so could we talk sometime at/after 12:00 pm? Looks like we are both free from 12-3 pm ET. What works for you?

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Sent: Wednesday, November 6, 2024 5:19 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Thanks, Sue!

Ex. 5 AC/AWP

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:02 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Hi Jeff –

Thank you for your work on this draft brief. Included in the attached are EPA edits and comments.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Monday, November 4, 2024 2:20 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>
Subject: RE: Calumet brief - out this morning - cc folks on this email when sending it over

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

Dear all,

Attached is a draft merits brief in *Calumet*. A few notes:

Ex. 5 AC/AWP

Thanks, and I look forward to your thoughts.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Monday, November 4, 2024 7:42 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his)

<lee.michaelg@epa.gov>
Subject: [EXTERNAL] Calumet brief - out this morning - cc folks on this email when sending it over

Hi Jeff –

I am out this morning for a dental appointment (working on fixing a broken tooth) so if you happen to send over the draft *Calumet* brief this morning (before 11:00 am) please cc the other folks on this email so we can get it distributed to EPA folks while I am out.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 11/9/2024 4:06:33 AM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: FW: multipollutant: draft brief (round 3 review)
Attachments: ENV_DEFENSE-#1270512-v1-multipollutant_draft_answering_brief.DOCX; LD Vehicle Emissions_Background2_DRAFT v5 (round 3).DOCX

Ex. 5 AC/AWP

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Friday, November 8, 2024 9:22 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: multipollutant: draft brief (round 3 review)

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

Team,

Here's the current draft. This is the version going to your front office.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Please send EPA's consolidated comments by next ~~Friday, November 15~~ [typo—should be Wednesday, November 13].

Thanks much,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 11/11/2024 3:41:08 PM
To: Charmley, William (he/him/his) [charmley.william@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Bolon, Kevin [Bolon.Kevin@epa.gov]; Safoutin, Mike [safoutin.mike@epa.gov]; Ellies, Ben [ellies.ben@epa.gov]; Sherwood, Todd [sherwood.todd@epa.gov]; Ellies, Ben [ellies.ben@epa.gov]; Stout, Alan [stout.alan@epa.gov]; Ball, Joel (he/him/his) [ball.joel@epa.gov]
CC: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: multipollutant: draft brief (round 3 review)
Attachments: ENV_DEFENSE-#1270512-v1-multipollutant_draft_answering_brief.DOCX; LD Vehicle Emissions_Background2_DRAFT v5 (round 3).DOCX

Orlin, David has shared a OneDrive for Business file with you. To view it, click the link below.

ENV_DEFENSE-#1270512-v1-multipollutant_draft_answering_brief 11-8 draft +EPA.docx

Ex. 5 AC/AWP

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Friday, November 8, 2024 9:22 PM

To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Subject: multipollutant: draft brief (round 3 review)

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Team,

Here's the current draft. This is the version going to your front office.

Ex. 5 AC/AWP

Please send EPA's consolidated comments by next ~~Friday, November 15~~ [typo—should be Wednesday, November 13].

Thanks much,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Hughes, Jeffrey (ENRD) [Jeffrey.Hughes@usdoj.gov]
Sent: 11/9/2024 6:01:18 AM
To: Stahle, Susan [Stahle.Susan@epa.gov]
CC: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Harrison, Bryan (ENRD) [Bryan.Harrison@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: Calumet brief - EPA edits/comments on revised version
Attachments: ENV_DEFENSE-#1269926-v5-Calumet_Merits_Brief - Clean.docx; ENV_DEFENSE-#1269926-v4-Calumet_Merits_Brief - Response to Comments.docx; Calumet Draft Merits Brief Redline.docx

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

Dear all,

Attached is the draft to go to Susannah (v.5, clean), a copy where my comments are clearest (v.4, clean, but with comments), and a redline. Please let me know if you have any questions or would like to discuss.

Best,
Jeff

From: Hughes, Jeffrey (ENRD)
Sent: Friday, November 8, 2024 5:32 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew

<Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments on revised version

Great, thanks Sue and team!

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Friday, November 8, 2024 5:00 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments on revised version

Hi Jeff –

Attached are EPA's edits/comments on the revised version, including the edits discussed below. We are hoping to preserve the edits made on those particular points in the version you prepare for Susannah and Matt L so we can get their input on them.

Once you have a final draft, please send that to me and I will send that to Susannah. I have given her a heads up it is coming late tonight or early tomorrow morning. I have also let her know EDS is requesting edits/comments back by COB Tuesday, 11/12.

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Stahle, Susan
Sent: Friday, November 8, 2024 9:43 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

Hi –

Yes, thanks for the call yesterday, and I agree it was very productive on our many points!

Yes, we are suggesting edits in the draft on all those points. We are including text right into the draft and will also include comments as needed. I suspect we may not have all these items fully resolved (e.g. we may still have some aspects we are quibbling over) but there will be enough here to get input from Susannah and Matt L on these points in the next draft.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Friday, November 8, 2024 9:27 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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Thanks for the productive conversation yesterday; I think we made progress towards reaching consensus.

Ex. 5 AC/AWP

From: Hughes, Jeffrey (ENRD)
Sent: Thursday, November 7, 2024 3:11 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

Sorry, Dan and Rosemay, I didn't see that you were added to the latest email. I'll send it to you.

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Thursday, November 7, 2024 3:09 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

I think maybe Rosemary and I did not get the new call in for 330?

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 1:18 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD)

<Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Hi Sue,

That's fine, I'll resend the invite.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 12:35 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Jeff – is it possible to reschedule this to 3:30 pm? It would allow Matt and Gautam to attend which I think would be beneficial to discussing and hopefully resolving the issues in the brief, which will help get a final draft prepared for Matt L and Susannah.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 11:39 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

I'm sending it now – I was without access to my email this morning.

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, November 7, 2024 11:38 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Is this invite still coming or did I miss it?

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276
M: 202-603-6170
E: marks.matthew@epa.gov

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 8:34 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

You could include everyone on this email – I don't think everyone will show up but it will give them the option. At least Jeanhee and I will be there! 😊

Thanks for the clarity. We'll work with that timeline.

And so we are clear on the next round for Susannah's review, given Monday is a federal holiday, when are you expecting edits back from her?

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 8:20 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Hi Sue, that works for us, I'll send an invite. Should I include everyone on this email or just you and Jeanhee?

Also, so we're all on the same page: because time is short, we'll need to finalize our staff-level edits by COB tomorrow so I can flip the brief to Susannah and Matt.

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 8:08 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Thanks Jeff. It would be best if Jeanhee could join us for this call, and she is on the west coast, so could we talk sometime at/after 12:00 pm? Looks like we are both free from 12-3 pm ET. What works for you?

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, November 6, 2024 10:36 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Sue and team,

Thanks again for the draft. Attached is a redline showing my changes and a clean version in which I respond to open comments. Let's speak in the morning – how about 10am?

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:26 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

We have included several suggestions through comments to the brief. Please take a look, then let's discuss. Thanks.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, November 6, 2024 5:19 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Thanks, Sue!

Ex. 5 AC/AWP

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:02 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Hi Jeff –

Thank you for your work on this draft brief. Included in the attached are EPA edits and comments.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Monday, November 4, 2024 2:20 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>
Subject: RE: Calumet brief - out this morning - cc folks on this email when sending it over

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

Dear all,

Attached is a draft merits brief in *Calumet*. A few notes:

Ex. 5 AC/AWP

Thanks, and I look forward to your thoughts.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Monday, November 4, 2024 7:42 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: [EXTERNAL] Calumet brief - out this morning - cc folks on this email when sending it over

Hi Jeff –

I am out this morning for a dental appointment (working on fixing a broken tooth) so if you happen to send over the draft *Calumet* brief this morning (before 11:00 am) please cc the other folks on this email so we can get it distributed to EPA folks while I am out.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Sent: 11/12/2024 4:20:51 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Calumet SC case - draft brief for your review
Attachments: Calumet SC Draft Merits Brief v3 110924 - EPA comments.docx

Sending the version with my comments to myself for archival purposes.

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

From: Li, Ryland (Shengzhi)
Sent: Monday, November 11, 2024 11:20 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet SC case - draft brief for your review

Ex. 5 AC/AWP

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

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Saturday, November 9, 2024 9:16 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Leiter, Amanda <Leiter.Amanda@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Calumet SC case - draft brief for your review

Hi Susannah –

Attached is the draft brief in the *Calumet* litigation for your review. I am also attaching the cert petition, opp and reply for your convenience.

Ex. 5 AC/AWP

As mentioned previously, EDS is asking that we send edits/comments back to them on this final draft by COB Tuesday, November 12.

Please let me know if you have any questions.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 11/12/2024 11:09:54 PM
To: Hughes, Jeffrey (ENRD) [Jeffrey.Hughes@usdoj.gov]
CC: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Harrison, Bryan (ENRD) [Bryan.Harrison@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: Calumet brief - EPA edits/comments on revised version
Attachments: Calumet SC Draft Merits Brief v3 110924 - EPA comments.docx

CUI//PRIVILEGE

Hi Jeff –

Attached are edits/comments on the revised draft.

Ex. 5 AC/AWP

Please let me know if you have any questions.

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

Controlled by U.S. Environmental Protection Agency

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Saturday, November 9, 2024 1:01 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments on revised version

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

Dear all,

Attached is the draft to go to Susannah (v.5, clean), a copy where my comments are clearest (v.4, clean, but with comments), and a redline. Please let me know if you have any questions or would like to discuss.

Best,
Jeff

From: Hughes, Jeffrey (ENRD)
Sent: Friday, November 8, 2024 5:32 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments on revised version

Great, thanks Sue and team!

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Friday, November 8, 2024 5:00 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments on revised version

Hi Jeff –

Attached are EPA's edits/comments on the revised version, including the edits discussed below. We are hoping to preserve the edits made on those particular points in the version you prepare for Susannah and Matt L so we can get their input on them.

Once you have a final draft, please send that to me and I will send that to Susannah. I have given her a heads up it is coming late tonight or early tomorrow morning. I have also let her know EDS is requesting edits/comments back by COB Tuesday, 11/12.

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Stahle, Susan
Sent: Friday, November 8, 2024 9:43 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary

<Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

Hi –

Yes, thanks for the call yesterday, and I agree it was very productive on our many points!

Yes, we are suggesting edits in the draft on all those points. We are including text right into the draft and will also include comments as needed. I suspect we may not have all these items fully resolved (e.g. we may still have some aspects we are quibbling over) but there will be enough here to get input from Susannah and Matt L on these points in the next draft.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Friday, November 8, 2024 9:27 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Thanks for the productive conversation yesterday; I think we made progress towards reaching consensus.

Ex. 5 AC/AWP

From: Hughes, Jeffrey (ENRD)
Sent: Thursday, November 7, 2024 3:11 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

Sorry, Dan and Rosemay, I didn't see that you were added to the latest email. I'll send it to you.

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Thursday, November 7, 2024 3:09 PM

To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

I think maybe Rosemary and I did not get the new call in for 330?

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 1:18 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Hi Sue,

That's fine, I'll resend the invite.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 12:35 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Jeff – is it possible to reschedule this to 3:30 pm? It would allow Matt and Gautam to attend which I think would be beneficial to discussing and hopefully resolving the issues in the brief, which will help get a final draft prepared for Matt L and Susannah.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 11:39 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD)

<Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

I'm sending it now – I was without access to my email this morning.

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, November 7, 2024 11:38 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Is this invite still coming or did I miss it?

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276
M: 202-603-6170
E: marks.matthew@epa.gov

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 8:34 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

You could include everyone on this email – I don't think everyone will show up but it will give them the option. At least Jeanhee and I will be there! 😊

Thanks for the clarity. We'll work with that timeline.

And so we are clear on the next round for Susannah's review, given Monday is a federal holiday, when are you expecting edits back from her?

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Thursday, November 7, 2024 8:20 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Hi Sue, that works for us, I'll send an invite. Should I include everyone on this email or just you and Jeanhee?

Also, so we're all on the same page: because time is short, we'll need to finalize our staff-level edits by COB tomorrow so I can flip the brief to Susannah and Matt.

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Thursday, November 7, 2024 8:08 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Thanks Jeff. It would be best if Jeanhee could join us for this call, and she is on the west coast, so could we talk sometime at/after 12:00 pm? Looks like we are both free from 12-3 pm ET. What works for you?

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, November 6, 2024 10:36 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Sue and team,

Thanks again for the draft. Attached is a redline showing my changes and a clean version in which I respond to open comments. Let's speak in the morning – how about 10am?

Best,

Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:26 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

We have included several suggestions through comments to the brief. Please take a look, then let's discuss. Thanks.

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, November 6, 2024 5:19 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Calumet brief - EPA edits/comments

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

Thanks, Sue!

Ex. 5 AC/AWP

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, November 6, 2024 5:02 PM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: [EXTERNAL] RE: Calumet brief - EPA edits/comments

Hi Jeff –

Thank you for your work on this draft brief. Included in the attached are EPA edits and comments.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Monday, November 4, 2024 2:20 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>
Subject: RE: Calumet brief - out this morning - cc folks on this email when sending it over

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

Dear all,

Attached is a draft merits brief in *Calumet*. A few notes:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks, and I look forward to your thoughts.

Best,
Jeff

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Monday, November 4, 2024 7:42 AM
To: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: [EXTERNAL] Calumet brief - out this morning - cc folks on this email when sending it over

Hi Jeff –

I am out this morning for a dental appointment (working on fixing a broken tooth) so if you happen to send over the draft *Calumet* brief this morning (before 11:00 am) please cc the other folks on this email so we can get it distributed to EPA folks while I am out.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 10/29/2024 12:04:47 AM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Strickland, Samuel [Strickland.Samuel@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: Draft of ACC II Waiver Final Decision FR Notice
Attachments: ACC II Waiver Final Decision FR Notice draft-for Susannah review 10-28-2024.docx

Susannah and Gautam,

Ex. 5 AC/AWP

Adan Schwartz (he/him/his)
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
Office Phone: (202) 564-1808

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Monday, October 28, 2024 5:29 PM
To: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Cc: Charmley, William (he/him/his) <charmley.william@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: For your review: Complete Draft of ACC II Waiver Final Decision FR Notice

Sarah and Ale,

Ex. 5 AC/AWP

Let us know if you have any comments/questions on the attached document. Thanks.

Meg

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 10/23/2024 6:53:15 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: UFs comment follow-up

Flag: Flag for follow up

FYI, when you see the comment in the preamble draft, this is the follow-up James and I are working through.

From: Carrillo, Andrea
Sent: Wednesday, October 23, 2024 2:53 PM
To: Sanchez, James <sanchez.james@epa.gov>
Subject: UFs comment follow-up

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/25/2024 5:16:55 AM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: multipollutant: draft statutory arguments (round 1)
Attachments: LD Vehicle Emissions - AH portions3+EPA.DOCX; draft answering brief v3 +OGC2.docx

Flag: Follow up

Ex. 5 AC/AWP

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

From: Orlin, David
Sent: Friday, October 25, 2024 1:16 AM
To: 'Chen, Sue (ENRD)' <Sue.Chen@usdoj.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: multipollutant: draft statutory arguments (round 1)

Ex. 5 AC/AWP

Thanks again and please let us know if there's anything we can help with in the meantime.

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

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Monday, October 21, 2024 4:14 PM
To: Orlin, David <Orlin.David@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: multipollutant: draft statutory arguments (round 1)

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

Team,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Please send along your consolidated edits by this Thursday. But of course earlier is always better.

Thanks,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
202.305.0283
Sue.Chen@usdoj.gov

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 11/13/2024 4:13:07 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Leiter, Amanda [Leiter.Amanda@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: RE: Calumet SC case - draft brief for your review - information for call with Matt L
Attachments: Calumet SC Draft Merits Brief v3 110924 - EPA comments.docx

CUI//PRIVILEGE

Of course – here is what I sent to Jeff last night.

Susan Stahle
OGC/ARLO
(202) 564-1272

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, November 13, 2024 11:07 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Leiter, Amanda <Leiter.Amanda@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet SC case - draft brief for your review - information for call with Matt L

CUI//PRIVILEGE

Thank you Sue! I do have some follow up questions, but in the meantime, can you send me the draft you sent back to Jeff?

Controlled by U.S. Environmental Protection Agency

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Tuesday, November 12, 2024 6:05 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Leiter, Amanda <Leiter.Amanda@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary

<Kaban.Rosemary@epa.gov>
Subject: RE: Calumet SC case - draft brief for your review - information for call with Matt L

CUI//PRIVILEGE

Hi Susannah –

Ex. 5 AC/AWP

Please let me know if you need anything more from us.

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, November 12, 2024 1:01 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Leiter, Amanda <Leiter.Amanda@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: Calumet SC case - draft brief for your review

CUI//PRIVILEGE

Hi all,

Ex. 5 AC/AWP

Thanks!
Susannah

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Saturday, November 9, 2024 9:16 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Leiter, Amanda <Leiter.Amanda@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Calumet SC case - draft brief for your review

Hi Susannah –

Ex. 5 AC/AWP

Please let me know if you have any questions.

Thanks,

Susan Stahle
Air and Radiation Law Office
Office of General Counsel
(202) 564-1272

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/18/2024 9:48:28 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]
CC: Durch, Kyle [Durch.Kyle@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Frank, Carin (she/her/hers) [Frank.Carin@epa.gov]
Subject: final (?) draft of LD GHG supplemental brief from DOJ
Attachments: Cars supplemental brief (redline friday vs sunday).docx

CUI//PRIVILEGE

Susannah and Meghan,

Ex. 5 AC/AWP

ENV DEFENSE-#1242694-v4-cars GHG revised supplemental brief (post OSG comments) 8-18.DOCX

Thanks,

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

Controlled by U.S. Environmental Protection Agency

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/19/2024 11:42:01 AM
To: Charmley, William (he/him/his) [charmley.william@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Moran, Robin [moran.robin@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]
Subject: RE: One more quick question re: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Sure, I can ask for that edit if that works for you.

Thanks!

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

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Monday, August 19, 2024 7:14 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: One more quick question re: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

David –

Ex. 5 AC/AWP

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Sunday, August 18, 2024 9:06 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: One more quick question re: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

(dropping Sarah)

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,

ENV_DEFENSE-#1242694-v4-cars_GHG_revised_supplemental_brief_(post_OSG_comments)_8-18+EPA.DOCX

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

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Friday, August 16, 2024 1:21 PM
To: Orlin, David <Orlin.David@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

David –

Ex. 5 AC/AWP

Thanks
Bill

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, August 16, 2024 11:12 AM

To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Sarah and Bill,

Ex. 5 AC/AWP

Thanks very much and please let me know if you have any questions or concerns,

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

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Wednesday, July 31, 2024 1:39 PM
To: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Subject: Supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

Dear Sarah -

Ex. 5 AC/AWP

David & Ryland - please let us all know if I didn't capture all of this correctly.

Thanks
Bill

E&E News

DC Circuit asks how Chevron's fall could affect Biden car rules

The court also ordered parties to explain how the Supreme Court's decision to block EPA's "good neighbor" rule is relevant to the cases.

BY: **LESLEY CLARK,** | 07/30/2024 04:16 PM EDT

E&E NEWS PM | A federal appeals court wants to know what impact the demise of the *Chevron* doctrine could have in two lawsuits over high-profile Biden administration climate rules.

In a short order issued Monday, the U.S. Court of Appeals for the District of Columbia Circuit asked parties in lawsuits over vehicle standards from EPA and the National Highway Traffic Safety Administration to submit briefs on whether the Supreme Court's June ruling in *Loper Bright Enterprises v. Raimondo* makes a difference to their claims.

The order illustrates the sweeping effect of the high court's decision last month to jettison *Chevron*, a 40-year-old legal theory that said judges should generally defer to agencies' reasonable interpretations when it comes to uncertainty in federal law.

After *Loper Bright* was decided, a separate federal appeals court in Louisiana sent one of the Biden administration's more unconventional efforts to tackle climate change back to a lower court. The decision is expected to ripple through other pending lawsuits on a variety of policy matters.

The D.C. Circuit on Monday also asked parties in the vehicle litigation to explain whether the Supreme Court's decision in *Ohio v. EPA* is relevant to the cases. In *Ohio*, the justices halted EPA's "good neighbor" rule governing smog-forming pollution that crosses state borders.

That decision, which reached the Supreme Court through its emergency or "shadow" docket, was a preliminary victory for Republican-led states and industry groups that will still need to slug it out in the lower courts over the merits of the EPA rule.

Parties in the auto lawsuits have 21 days to respond to the D.C. Circuit's request.

In one of the lawsuits, conservative critics are challenging EPA's decision to tighten tailpipe emissions standards, arguing that the rules run afoul of *West Virginia v. EPA*. The 2022 Supreme Court decision said that under the major questions doctrine, EPA needed congressional approval to impose regulations forcing coal-fired plants to switch to renewable sources.

EPA's tailpipe regulation — which applies to vehicles that are already on the road through 2026 — sought to reverse a Trump-era rollback and cut greenhouse gas emissions. Ken Paxton of Texas and 14 other Republican attorneys general say their states would suffer "pocketbook injury" because the rule would reduce oil extraction, and they depend on revenue from fossil fuel development.

The Biden administration has argued that the major questions doctrine does not apply to EPA's car rule because the regulation broke no new legal ground. The D.C. Circuit had appeared skeptical during arguments in September that EPA had overstepped its congressional authority by setting limits on vehicle emissions.

The second case is a consolidated challenge to NHTSA's tailpipe emissions standards for cars built from 2024 through 2026. The D.C. Circuit had appeared more skeptical of the Biden administration's position in the NHTSA case.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, July 29, 2024 2:53 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Moran, Robin <moran.robin@epa.gov>; Olechiw, Michael <olechiw.michael@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: FW: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

The DC Circuit just asked the parties to file supplemental briefs in the challenge to the near term rule by August 19 on: 1) the relevance of the court's decision upholding the CA waiver on standing grounds to the standing of these petitioners to challenge the MY2023-2026 standards; and 2) the relevance of Loper Bright (the case overturning Chevron) to the statutory interpretation issues in the cases.

Ex. 5 AC/AWP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, July 29, 2024 2:25 PM
To: 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>
Subject: supplemental briefing order in 22-1031 Texas v. EPA (tailpipe GHG emission standards)

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

Hi folks; I hope everyone has been well.

Ex. 5 AC/AWP

Sue is out this week and I am just starting to think through the issues and coordinate with Civil but I wanted to give you the heads up right away.

Our supplemental brief is due Aug 19.

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/9/2024 8:13:28 PM
To: Talty, Mark [Talty.Mark@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: supplemental brief on Loper for light duty greenhouse gas litigation
Attachments:2023.02.24 proof answering brief FILE STAMPED.pdf

Orlin, David has shared a OneDrive for Business file with you. To view it, click the link below.

ENV_DEFENSE-#1226780-v4-cars_GHG_supplemental_brief 8-9.docx

Mark,

Ex. 5 AC/AWP

Thanks,

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

Message

From: Kataoka, Mark [Kataoka.Mark@epa.gov]
Sent: 8/12/2024 3:51:04 PM
To: Frank, Carin (she/her/hers) [Frank.Carin@epa.gov]
CC: Talty, Mark [Talty.Mark@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: FW: supplemental brief on Loper for light duty greenhouse gas litigation
Attachments:2023.02.24 proof answering brief FILE STAMPED.pdf

Kataoka, Mark has shared a OneDrive for Business file with you. To view it, click the link below.

ENV_DEFENSE-#1226780-v4-cars_GHG_supplemental_brief 8-9.docx

Adding Carin as backup to MT

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, August 9, 2024 4:13 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: supplemental brief on Loper for light duty greenhouse gas litigation

Mark,

Ex. 5 AC/AWP

Thanks,

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/12/2024 3:53:23 PM
To: Dickinson, David [Dickinson.David@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
Subject: RE: Amicus filings seeking Sup Ct Review of EPA waiver for ACC I - Ohio
Attachments: ENV_DEFENSE-#1226780-v4-cars_GHG_supplemental_brief 8-9+EPA.docx

Ex. 5 AC/AWP

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

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Monday, August 12, 2024 11:50 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: Amicus filings seeking Sup Ct Review of EPA waiver for ACC I - Ohio

Adan -

https://insideepa.com/daily-news/states-industry-amplify-calls-high-court-review-california-waiver?utm_medium=mh

Ex. 5 AC/AWP

Thanks
David

Message

From: Talty, Mark [Talty.Mark@epa.gov]
Sent: 8/12/2024 7:55:49 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Loper Bright
Attachments: NCAC 2024 Loper and MQD Presentation.pptx

Hi, Ryland. Attached are the NCAC slides.

Best regards,

Mark

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, August 7, 2024 2:11 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Subject: RE: Loper Bright

Thanks Mark! If you could share your slides, that would be great.

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

From: Talty, Mark <Talty.Mark@epa.gov>
Sent: Wednesday, August 7, 2024 12:13 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Loper Bright

Hi, Ryland. I apologize for not getting back to you.

Ex. 5 AC/DP

Best regards,

Mark

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, August 2, 2024 9:04 AM
To: Talty, Mark <Talty.Mark@epa.gov>
Subject: RE: Loper Bright

Hi Mark, I wanted to follow up on this. Thanks.

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

From: Li, Ryland (Shengzhi)
Sent: Wednesday, July 24, 2024 2:12 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Subject: RE: Loper Bright

Hi Mark,

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: Thursday, July 11, 2024 12:09 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Subject: RE: Loper Bright

Ex. 5 AC/DP

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

From: Talty, Mark <Talty.Mark@epa.gov>
Sent: Thursday, July 11, 2024 11:57 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Loper Bright

Hi, Ryland. Thanks for reaching out.

Ex. 5 AC/DP

Best regards,

Mark

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Thursday, July 11, 2024 11:29 AM
To: Talty, Mark <Talty.Mark@epa.gov>
Subject: Loper Bright

Hi Mark,

Ex. 5 AC/DP

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: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 11/6/2024 4:48:49 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, November 6, 2024 11:44 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

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

From: Li, Ryland (Shengzhi)
Sent: Wednesday, November 6, 2024 11:44 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, November 6, 2024 10:50 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

From: Nolbaum, Seth (he/him/his)
Sent: Wednesday, November 6, 2024 10:30 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

From: Nolbaum, Seth (he/him/his)
Sent: Wednesday, November 6, 2024 10:27 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, November 6, 2024 10:04 AM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

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

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Wednesday, November 6, 2024 9:54 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, November 6, 2024 9:27 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ah, good point.

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

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, November 6, 2024 9:13 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, November 6, 2024 9:12 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

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

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Wednesday, November 6, 2024 9:09 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, November 6, 2024 8:59 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>

Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: Re: Update on R-factor thinking

Ex. 5 AC/AWP

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

On Nov 6, 2024, at 8:50 AM, Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov> wrote:

Ex. 5 AC/AWP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Tuesday, November 5, 2024 6:59 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: Update on R-factor thinking

Ex. 5 AC/AWP

++++++++++++++++
(202) 695-6287

he/him/his

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, November 5, 2024 4:42 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: FW: Update on R-factor thinking

Ex. 5 AC/AWP

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Tuesday, November 5, 2024 2:51 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Lin, Albert (ENRD) <Albert.Lin@usdoj.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Update on R-factor thinking

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Ex. 5 AC/AWP

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division

Environmental Defense Section
202.305.0283

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, November 4, 2024 6:23 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Lin, Albert (ENRD) <Albert.Lin@usdoj.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: [EXTERNAL] Update on R-factor thinking

Hi Sue and Albert,

Ex. 5 AC/AWP

Thanks,
Seth

Seth Nolbaum (Buchsbaum) (he/him)
Office of General Counsel
202-564-2484

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 6/14/2024 2:07:19 PM
To: OGC ARLO MGMT [OGC_ARLO_MGMT@epa.gov]
Subject: FW: transition - OGC background papers - draft requested by 6/28
Attachments: EPA 2024 Presidential Transition Briefing Paper Template April 2024.docx; 2000 transition - OGC background papers

Importance: High

Srinivasan, Gautam has shared a OneDrive for Business file with you. To view it, click the link below.

EPA 2024 Presidential Transition Briefing Paper Template April 2024.docx

Ex. 5 AC/DP

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

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, June 10, 2024 11:00 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Messier, Dawn (she/her/hers) <Messier.Dawn@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Serassio, Helen <Serassio.Helen@epa.gov>; Fisher, Bethany (she/her/hers) <fisher.bethany@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Goerke, Ariadne (she/her/hers) <Goerke.Ariadne@epa.gov>
Subject: transition - OGC background papers - draft requested by 6/28

Hi everyone. Listed below are OGC's 16 anticipated background papers for 2024 transition planning. They're from ARLO, WLO, PTSLO, CCILO, CRFLO.

And attached are:
- 2024 background paper template (these were attached to Wes' email below)
- OGC's 2020 background papers (ignore "2000").

Note that the background papers are intended to include only public information. They would go through a final review and update this Fall.

Please provide draft OGC background papers to me by Fri June 28 (or let me know anticipated schedule). At the top of the first page of each draft paper, please include the date of the draft to help with version control.

Many thanks.

Jim
202-672-3727 cell

OGC'S 16 ANTICIPATED BACKGROUND PAPERS

Ex. 5 AC/DP

From: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Sent: Thursday, April 4, 2024 10:45 AM
To: EPA Presidential Transition Coordinators <EPA_Presidential_Transition_Coordinators@epa.gov>
Cc: Poole, Laura <Poole.Laura@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Gibson, Neshawne <Gibson.Neshawne@epa.gov>; Career_Deputy_Assistant_Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; AO Staff Office Directors and AA's

<AO_Staff_Office_Directors_and_AAs@epa.gov>
Subject: RE: Access to the 2024 EPA Presidential Transition SharePoint Site

EPA Presidential Transition Coordinators:

Good morning again. I am also attaching a blank background fact sheet template for your review, reference, and use. Please reach out if you have any questions. Thanks.

Wes

Wesley J. Carpenter
Deputy Chief of Staff for Management
Office of the Administrator
Email: carpenter.wesley@epa.gov
Tel. No.: 202-564-2019

Please note that I may have sent this note outside regular work 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 work hours.

From: Carpenter, Wesley
Sent: Thursday, April 4, 2024 10:26 AM
To: EPA Presidential Transition Coordinators <EPA_Presidential_Transition_Coordinators@epa.gov>
Cc: Poole, Laura <Poole.Laura@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Gibson, Neshawne <Gibson.Neshawne@epa.gov>
Subject: Access to the 2024 EPA Presidential Transition SharePoint Site

EPA Presidential Transition Coordinators:

Good morning. I am following up on previous discussions related to the upcoming Presidential Transition activities. We have been working diligently on updating the Presidential Transition SharePoint site, which we will continue to do for the foreseeable future. You should now have access to the SharePoint site, which is available at the following link: [ ]. Please feel free to access the SharePoint site at your convenience in order to create or update your organization's background fact sheets and 100-day activity/event calendar as well as access other relevant information. In regard to the background fact sheets, please ensure you add the date you created or updated them in the file name when you save them to your organizational folder. In terms of the 100-day activity/event calendar, you will have to submit any changes to Laura Poole, Shakeba Carter-Jenkins, and Neshawne Gibson as we will be managing updates to the 100-day activity/event calendar centrally to maintain version control. Finally, we have ample time to complete the various requirements that will be forthcoming over the next nine months, so please keep that in mind in terms of priorities. In the interim, please let me know if you have any feedback or questions. Thanks, and have a nice day and week.

Wes

Wesley J. Carpenter
Deputy Chief of Staff for Management

Office of the Administrator
Email: carpenter.wesley@epa.gov
Tel. No.: 202-564-2019

Please note that I may have sent this note outside regular work 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 work hours.

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 6/17/2024 5:40:19 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: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Subject: FW: 24-1129 State of Nebraska, et al v. EPA, et al "Statement of Issues Filed" (EPA-89FR29440)
Attachments: HD_States_StatementofIssues.pdf; HD_States_DocketingStatement.pdf

Figured it could be helpful to share info and have an early look at overlap in the cases. So no rush on reading this email.

Ex. 5 AC/AWP

No such filings yet from the other HD petition, though I believe that they are due today.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Thursday, June 13, 2024 2:51 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>

Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>; Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Subject: FW: 24-1129 State of Nebraska, et al v. EPA, et al "Statement of Issues Filed" (EPA-89FR29440)

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

Andrea and Stacey –

Here are the two most informative of the procedural filings in the HD case today: petitioners' statement of issues, and their docketing statement, which includes an explanation of their standing.

Best,
Sarah

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Thursday, June 13, 2024 2:13 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 24-1129 State of Nebraska, et al v. EPA, et al "Statement of Issues Filed" (EPA-89FR29440)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 06/13/2024 at 2:12:46 PM Eastern Daylight Time and filed on 06/13/2024

Case Name:	State of Nebraska, et al v. EPA, et al
Case Number:	24-1129
Document(s):	Document(s)

Docket Text:
STATEMENT OF ISSUES [2059661] filed by State of Nebraska, State of Alabama, State of Alaska, State of Arkansas, State of Florida, State of Georgia, State of Idaho, State of Indiana, State of Iowa, State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Oklahoma, State of South Carolina, State of South Dakota, State of Tennessee, State of Texas, State of Utah, Commonwealth of Virginia, State of West Virginia and State of Wyoming in 24-1129 [Service Date: 06/13/2024] [24-1129, 24-1133, 24-1157] (Hamilton, Eric)

Notice will be electronically mailed to:

Mr. Henry Charles Whitaker, Attorney: henry.whitaker@myfloridalegal.com, jenna.hodges@myfloridalegal.com
Christopher Gene King, Assistant Corporation Counsel: cking@law.nyc.gov
Allison M. Zieve: azieve@citizen.org, litfilenotify@citizen.org
Mr. Paul Robert Cort: pcort@earthjustice.org, rweber@earthjustice.org, jgriffin@earthjustice.org

Sanjay Narayan: sanjay.narayan@sierraclub.org, ashley.soliman@sierraclub.org
Sean H. Donahue: sean@donahuegoldberg.com
Mr. Jonathan Stuart Martel, Attorney: jonathan.martel@aporter.com
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Mr. Patrick J. Morrisey: patrick.morrisey@wvago.gov
Theodore Hadzi-Antich: tha@texaspolicy.com, ysimental@texaspolicy.com
Mr. Nicholas J. Bronni, Deputy Solicitor General: nicholas.bronni@arkansasag.gov
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Mr. Scott Norman Koschwitz, Assistant Attorney General: scott.koschwitz@ct.gov
Mr. Gavin Geraghty McCabe, Deputy Attorney General: gavin.mccabe@ag.ny.gov
Margaret Elaine Meckenstock: Elaine.Meckenstock@doj.ca.gov, david.land@doj.ca.gov, debra.baldwin@doj.ca.gov
Mr. Paul Andrew Garrahan: paul.garrahan@doj.oregon.gov
Shaun Alaric Goho: sgoho@catf.us, ebarry@catf.us
Michael F. Strande, Assistant Attorney General: michael.strande@maryland.gov
Ian Fein: ifein@nrdc.org, rsediqe@nrdc.org
Ms. Elisabeth Susan Theodore: elisabeth.theodore@arnoldporter.com, ecf-60777b928664@ecf.pacerpro.com
Ms. Lindsay S. See: lindsay.s.see@wvago.gov, choffman@wvago.gov
Carrie Noteboom: carrie.noteboom@coag.gov
Mr. Steven R. Blair, Assistant Attorney General: steven.blair@state.sd.us, lynell.erickson@state.sd.us, mary.bartholomew@state.sd.us, melissa.neyhart@state.sd.us
Mr. Edmund Gerard LaCour, Jr.: edmund.lacour@alabamaag.gov, rene.whyard@alabamaag.gov
Dean John Sauer, Attorney: John.Sauer@james-otis.com
Ms. Megan M. Herzog, Attorney: megan@donahuegoldberg.com
Ms. Sarah A. Buckley, Trial Attorney: sarah.buckley@usdoj.gov, efile_eds.enrd@usdoj.gov
James A. Barta: james.barta@atg.in.gov, katherine.jacob@atg.in.gov, jonna.anderson@atg.in.gov
Alice Henderson: ahenderson@edf.org
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Mrs. Elizabeth Baker Murrill, Assistant Attorney General: murrille@ag.louisiana.gov, nelsone@ag.louisiana.gov, ecfnotices@ag.louisiana.gov
Ms. Julia Kathryn Forgie, Deputy Attorney General: jforgie@nrdc.org
Mr. Christian Douglas Wright: christian.wright@delaware.gov, vanessa.kassab@delaware.gov, zachary.dotts@delaware.gov, zachary-dotts-3963@ecf.pacerpro.com
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Christian Brian Corrigan: christian.corrigan@mt.gov, edoj@mt.gov
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Mr. Michael James Bostrom: michael.bostrom@lacity.org, david.torres@lacity.org, danitza.munoz@lacity.org
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Ms. Whitney D. Hermandorfer: whitney.hermandorfer@ag.tn.gov
Ms. Ann R. Johnston, Sr. Deputy Attorney General: ajohnston@attorneygeneral.gov

Mr. James Hamilton Percival, II: james.percival@myfloridalegal.com
Micaela Harms, Deputy Attorney General: micaela.harms@doj.ca.gov
Vanessa L. Kassab, Deputy Attorney General: vanessa.kassab@delaware.gov, zachary.dotts@delaware.gov, christian.wright@delaware.gov
Marvin C. Brown, IV: mcbrown@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
Justin L. Matheny, Deputy Solicitor: justin.matheny@ago.ms.gov, fonda.hellen@ago.ms.gov
Nicholas M. Vaz: nvaz@riag.ri.gov, mbedell@riag.ri.gov
Mr. Michael Ray Williams: michael.r.williams@wvago.gov, choffman@wvago.gov
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Connor William Mighell: cmighell@texaspolicy.com, slucas@texaspolicy.com
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Mr. Andrew Philip Su: asu@edf.org
Mr. Wesley Scott Williams: wesley.williams@oag.texas.gov, david.laurent@oag.texas.gov, laura.courtney@oag.texas.gov, scott.mccarley@oag.texas.gov
Bradley Motl: motlbj@doj.state.wi.us, henrycj@doj.state.wi.us
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Veronica Saltzman: vsaltzman@catf.us
Alexandria K. Doolittle: alex.doolittle@atg.wa.gov, ecyolyef@atg.wa.gov, april.gerdts@atg.wa.gov
Mr. Jorge Benjamin Aguinaga, Attorney: aguinagab@ag.louisiana.gov, skipperc@ag.louisiana.gov, nelsone@ag.louisiana.gov
Peter Martin Torstensen, Jr.: peter.torstensen@mt.gov, edoj@mt.gov
Mr. Anthony J. Powell: Anthony.Powell@ag.ks.gov, nikki.desch@ag.ks.gov
Ms. Jennifer L. Lewis: jennifer.lewis@oag.ok.gov, maranda.spears@oag.ok.gov, docket@oag.ok.gov
Mr. Garry M. Gaskins, II: garry.gaskins@oag.ok.gov, maranda.spears@oag.ok.gov, docket@oag.ok.gov
Jin Hyung Lee: jin.hyung.lee@usdoj.gov, efile_eds.enrd@usdoj.gov
Mr. Eric H. Wessan: eric.wessan@ag.iowa.gov
Mr. Joseph David Spate: josephspate@scag.gov
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Hannah Yindra: hannah.yindra@vermont.gov
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Joshua N Turner: josh.turner@ag.idaho.gov, isaac.considine@ag.idaho.gov, laura.kauffmann@ag.idaho.gov
Mr. Alan M. Hurst: alan.hurst@ag.idaho.gov, isaac.considine@ag.idaho.gov, laura.kauffmann@ag.idaho.gov
Jacob M. Abrahamson: jacob.abrahamson@ky.gov
Mr. Alex J. Hardee: alex.hardee@usdoj.gov, efile_eds.enrd@usdoj.gov
Kevin Michael Gallagher: kgallagher@oag.state.va.us, solicitorgeneral@oag.state.va.us
James Matthew Rice, Solicitor General: matt.rice@ag.tn.gov, james.rice397@gmail.com
Mr. Justin D. Smith: justin.smith@james-otis.com
Ms. Masha Kazakova, Assistant Attorney General: masha.kazakova@alaska.gov
Mr. Zachary Brent Pohlman, Assistant Solicitor General: zachary.pohlman@nebraska.gov
Mr. Caleb Rutledge: caleb.rutledge@ago.mo.gov, tammy.glenn@ago.mo.gov
Mr. Paul Phelps: paul.phelps@azag.gov

Mrs. Elizabeth Anne Morrisseau, Assistant Attorney General: MorrisseauE@michigan.gov, gibsonj16@michigan.gov (*daily summary*)
Steven Novick: steve.novick@doj.oregon.gov (*daily summary*)
Mr. Ryan Schelhaas: ryan.schelhaas@wyo.gov, sherry.griffin1@wyo.gov (*daily summary*)

The following document(s) are associated with this transaction:

Document Description: Statement of Issues Filed
Original Filename: 2024.06.13 - Statement of Issues.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=06/13/2024] [FileNumber=2059661-0]
[7f1e4b182f96e514ad9e39c34244e34ceea766562de798877aaddd38b5b513fa928a9082137f5a5777ea532533bc
4b79da4c60b9fcb064f4c7c094240849fb3d]]

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 12/9/2024 8:01:44 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: HD vehicles - full draft
Attachments: HD_Vehicles_compare.DOCX

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Monday, December 9, 2024 2:57 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD vehicles - full draft

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Ex. 5 AC/AWP

Sarah

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Monday, December 9, 2024 2:39 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD vehicles - full draft

Thanks!

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Monday, December 9, 2024 2:27 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD vehicles - full draft

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

Yep – I'll ask Sue for a word version of the final brief.

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Monday, December 9, 2024 2:27 PM

To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD vehicles - full draft

Ex. 5 AC/AWP

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Monday, December 9, 2024 9:07 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD vehicles - full draft

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

No – I'm deep in PM NAAQS land right now. I may need to push back a full second draft until the weekend.

Sarah

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Monday, December 9, 2024 8:16 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD vehicles - full draft

Good morning, everyone. Please see attached our consolidated comments on the first half. Happy to discuss as needed later this week.

Regarding the second half, Stacey is out sick today and I was hoping to give her the opportunity to review. Sarah, is there a difference for you between EOD today and EOD tomorrow?

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, December 6, 2024 8:11 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD vehicles - full draft

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

Yes, sorry, that works for me. Thanks!

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Friday, December 6, 2024 6:07 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Carrillo,

Andrea <Carrillo.Andrea@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD vehicles - full draft

Hi Sarah,

Just confirming—Does COB Monday work for you for your portions of the brief?

Jin—We'll plan on getting comments on the HD specific sections back to you by 9:30 Monday morning (if not sooner).

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, December 6, 2024 10:10 AM
To: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD vehicles - full draft

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

Yep, that works for me.

From: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>
Sent: Friday, December 6, 2024 9:21 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: HD vehicles - full draft

Thanks for checking in, Andrea. Defer to Sarah on the full draft, but for my portion, if it's ready, could I have it today as planned so I can start reading through your comments? I won't be working this weekend though, so if EPA wants a bit more time, I don't mind getting the HD portion first thing Monday morning, say like Monday at 9:30 a.m. ET? Thanks – Jin

---

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Thursday, December 5, 2024 7:58 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] RE: HD vehicles - full draft

Thanks, Sarah. Would DOJ be ok with EPA turning our comments back on COB Monday on the first draft (or turning the HD only part from Jin by COB tomorrow, as planned, and this second part by COB Monday)?

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, December 4, 2024 10:07 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: HD vehicles - full draft

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

Hi Stacey and Andrea:

Ex. 5 AC/AWP

Thank you!
Sarah

Sarah A. Buckley (she/her)
Senior Counsel for Appellate Matters
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
sarah.buckley@usdoj.gov
Ph: (202) 616-7554

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/13/2024 12:36:04 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)
Attachments: LMDV RTC.pdf

CUI//PRIVILEGE

Thanks. Attached is the RTC for the LMDV.

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, August 13, 2024 7:15 AM
To: Orlin, David <Orlin.David@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Finally, can you send me the RTC for the 2024 LDV Rule?

Thank you!

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, August 12, 2024 4:25 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Sure, people's calendars look generally free, subject to the NCAC (esp. between 9:30 and 10:30)?

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

Controlled by U.S. Environmental Protection Agency

From: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Sent: Monday, August 12, 2024 4:08 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

Do you think we could block some time tomorrow am to discuss?

Meghan E. Greenfield
Senior Counsel for Litigation
Office of General Counsel
U.S. Environmental Protection Agency
T: 202-564-0177
M: 771-216-2437
E: Greenfield.Meghan@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, August 12, 2024 3:51 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

Controlled by U.S. Environmental Protection Agency

From: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Sent: Monday, August 12, 2024 3:47 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

David

Ex. 5 AC/AWP

Meghan

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, August 12, 2024 3:44 PM
To: Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Subject: FW: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Here you go. In addition to DOJ's deadline of 4 pm today, I have a hard stop at 4:30 today.

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

From: Orlin, David
Sent: Friday, August 9, 2024 10:27 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Ex. 5 AC/AWP

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

Message

From: Herbolsheimer, Courtney [herbolsheimer.courtney@epa.gov]
Sent: 12/13/2024 9:15:20 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Charmley, William (he/him/his) [charmley.william@epa.gov]
Subject: FW: Final ACCII and Omnibus waiver decisions
Attachments: 25-00970-OAR--PCO_Draft Response__25-00970-OAR--PCO_Decision Document_ACC II final decision package.docx; 25-00982-OAR--PCO_Draft Response__25-00982-OAR--PCO_HD_Omnibus_Decision_Document.docx; 11010-02-ACC II Waiver Request FR Notice 20241212_ADMIN.docx; 9902-02-OAR HD Omnibus Low NOx Waiver 20241213_ADMIN.docx

---

From: Steele, Mikayla <Steele.Mikayla@epa.gov>
Sent: Friday, December 13, 2024 4:11 PM
To: Herbolsheimer, Courtney <herbolsheimer.courtney@epa.gov>
Subject: FW: Final ACCII and Omnibus waiver decisions

From: Steele, Mikayla
Sent: Friday, December 13, 2024 4:08 PM
To: Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>
Subject: RE: Final ACCII and Omnibus waiver decisions

Funny, when I open the decision docs in quill, it says Ale has them open right now! I attached the static copy, and here are the quill live links for ACC II Decision Document, and HD Omnibus Decision Document.

Let me know if you need anything else!!

From: Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>
Sent: Friday, December 13, 2024 3:57 PM
To: Steele, Mikayla <Steele.Mikayla@epa.gov>
Subject: FW: Final ACCII and Omnibus waiver decisions
Importance: High

Can you send me these ASAP? I am trying to pull the decision documents from Quill, but it's not working for me. It's saying I don't have access. I think we should send her the FRN and the Decision Document, if you can grab those easily enough?

Thanks!
Jessie

From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Friday, December 13, 2024 3:17 PM
To: Hooper, Daniel (he/him/his) <hooper.daniel@epa.gov>; Zinsmeister, Emma (she/her/hers) <Zinsmeister.Emma@epa.gov>; Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>; Truesdell, Rod (he/him/his) <Truesdell.Rod@epa.gov>
Subject: Final ACCII and Omnibus waiver decisions
Importance: High

Hi all,
Could one of you please send me the final version of these two waiver decisions that will be submitted to the Administrator for signature on Monday?

Ex. 5 AC/DP

If you could send these to me as soon as possible that would be much appreciated.
Ale

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 12/13/2024 8:42:56 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: FW: Oklahoma/PacifiCorp
Attachments: Oklahoma petitioners' brief.pdf

FYI – just in, petitioners' opening brief in *Oklahoma/Pacificorp.*

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Friday, December 13, 2024 12:22 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: FW: Oklahoma/PacifiCorp

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Hi EPA,

Ex. 5 AC/AWP

Have a great weekend. Look forward to chatting about this next week.

Best,
Alex

From: Brown, Aimee W. (OSG) <Aimee.W.Brown@usdoj.gov>
Sent: Friday, December 13, 2024 2:36 PM
To: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: Oklahoma/PacifiCorp

Hi Alex,

We just received the petitioners' brief in Oklahoma/PacifiCorp. I've attached it here. Please feel free to share with folks at EPA.

Thanks,

Aimee Brown
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
202-514-4277

Message

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 8/19/2024 3:18:53 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]
CC: Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]
Subject: Amicus Briefs in Support of California Waiver Petitions
Attachments: Advancing American Freedom.pdf; American Petroleum Institute.pdf; California Business Roundtable.pdf; Chamber of Commerce.pdf; Two Hundred for Homeownership.pdf; Western States Petroleum.pdf; Specialty Equipment Marketing.pdf; Texas Royalty Council.pdf; Sulphur Institute.pdf; Competitive Enterprise Institute.pdf; ConservAmerica.pdf; Texas Oil and Gas Association.pdf; Committed to Consitutional Government.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

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Hostetler, Eric (ENRD)
Sent: Tuesday, August 13, 2024 11:25 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>

Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: California Waiver

Ryland and Adan,

Ex. 5 AC/AWP

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Sent: Tuesday, August 13, 2024 8:52 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Littleton, Matthew (ENRD) <Matthew.Littleton@usdoj.gov>
Subject: RE: OPP: Diamond Alternative Energy v. EPA; Ohio v. EPA, 24-7 and 24-13, 9/9 (1 ext.)

Ex. 5 AC/AWP

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Monday, August 12, 2024 12:44 PM
To: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Littleton, Matthew (ENRD) <Matthew.Littleton@usdoj.gov>
Subject: RE: OPP: Diamond Alternative Energy v. EPA; Ohio v. EPA, 24-7 and 24-13, 9/9 (1 ext.)

That's fine. No objection from us.

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Sent: Monday, August 12, 2024 12:42 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Littleton, Matthew (ENRD) <Matthew.Littleton@usdoj.gov>
Subject: RE: OPP: Diamond Alternative Energy v. EPA; Ohio v. EPA, 24-7 and 24-13, 9/9 (1 ext.)

Ex. 5 AC/AWP

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Monday, August 12, 2024 12:28 PM

To: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Cc: Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; Littleton, Matthew (ENRD) <Matthew.Littleton@usdoj.gov>
Subject: RE: OPP: Diamond Alternative Energy v. EPA; Ohio v. EPA, 24-7 and 24-13, 9/9 (1 ext.)

Thanks Malcolm. We look forward to working with you and Ephraim on this.

Ex. 5 AC/AWP

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>
Sent: Monday, August 12, 2024 12:08 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Goodwin, Charlene W (OSG) <Charlene.W.Goodwin@usdoj.gov>; Kinkade, Judith L (JMD) <Judith.L.Kinkade@usdoj.gov>; Smith, Patrick E (OSG) <Patrick.E.Smith@usdoj.gov>; OSGPapers <OSGPapers@usdoj.gov>; McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Cc: Kim, Todd (ENRD) <Todd.Kim@usdoj.gov>; Littleton, Matthew (ENRD) <Matthew.Littleton@usdoj.gov>; Mohan, Anna (OASG) <Anna.Mohan2@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: RE: OPP: Diamond Alternative Energy v. EPA; Ohio v. EPA, 24-7 and 24-13, 9/9 (1 ext.)

Thanks, Eric. I'm assigning this brief in opp to Ephraim McDowell.

Malcolm

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Friday, August 9, 2024 9:59 PM
To: Stewart, Malcolm L (OSG) <Malcolm.L.Stewart@usdoj.gov>; Goodwin, Charlene W (OSG) <Charlene.W.Goodwin@usdoj.gov>; Kinkade, Judith L (JMD) <Judith.L.Kinkade@usdoj.gov>; Smith, Patrick E (OSG) <Patrick.E.Smith@usdoj.gov>; OSGPapers <OSGPapers@usdoj.gov>
Cc: Kim, Todd (ENRD) <Todd.Kim@usdoj.gov>; Littleton, Matthew (ENRD) <Matthew.Littleton@usdoj.gov>; Mohan, Anna (OASG) <Anna.Mohan2@usdoj.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: OPP: Diamond Alternative Energy v. EPA; Ohio v. EPA, 24-7 and 24-13, 9/9 (1 ext.)

Malcolm,

Please find attached ENRD's draft opposition to the petitions for writ of certiorari filed in the above-referenced matter. The brief is due on September 9, 2024, with one extension. I'm also attaching copies of the documents cited in our draft that are not within the Petitioners' Addendum.

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/20/2024 2:45:30 AM
To: Charmley, William (he/him/his) [charmley.william@epa.gov]; Olechiw, Michael [olechiw.michael@epa.gov]; Moran, Robin [moran.robin@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]
Subject: incoming supplemental briefs on LD GHG MY2023-2026 standards
Attachments: NTR Joint Appendix.pdf; petitioner/intervenor supplemental briefs in Texas v EPA (LD GHG standards)

Orlin, David has shared OneDrive for Business files with you. To view them, click the links below.

Fuels Supp brief.docx

Texas Supp brief.docx

Bill and all,

Ex. 5 AC/AWP

Thanks very much,

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

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 8/20/2024 6:51:39 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
CC: Durch, Kyle [Durch.Kyle@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]
Subject: RE: Third Waiver Prong - "costs"

Ryland –

Ex. 5 AC/DP

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, August 20, 2024 2:16 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Durch, Kyle <Durch.Kyle@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Subject: RE: Third Waiver Prong - "costs"

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, August 20, 2024 10:46 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Subject: FW: Third Waiver Prong - "costs"

Adan –

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Dickinson, David
Sent: Friday, August 16, 2024 10:04 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: Third Waiver Prong - "costs"

Adan –

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 8/20/2024 2:45:33 PM
To: Schwartz, Adan [Schwartz.Adan@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]
Subject: FW: Third Waiver Prong - "costs"
Attachments: Thirdwaivercriterionandsection202a3c.pdf; California Rips Challenge To Advanced Clean Fleets Regulation - Law360.pdf

Adan –

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Dickinson, David
Sent: Friday, August 16, 2024 10:04 AM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: Third Waiver Prong - "costs"

Adan –

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 8/21/2024 1:48:34 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
Subject: RE: more thoughts on Loper/ACC2

Ryland
I like all of these thoughts and will look to integrate it near the beginning of my write up.

DD

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, August 20, 2024 6:07 PM
To: Dickinson, David <Dickinson.David@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: more thoughts on Loper/ACC2

Ex. 5 AC/DP

Ex. 5 AC/DP

Welcome your thoughts on this, and happy to have another call this week if that would be helpful.

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

From: Dickinson, David <Dickinson.David@epa.gov>
Sent: Friday, August 16, 2024 12:47 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: more thoughts on Loper/ACC2

Ex. 5 AC/DP

DD

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Friday, August 16, 2024 10:24 AM
To: Durch, Kyle <Durch.Kyle@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: more thoughts on Loper/ACC2

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 8/21/2024 8:42:51 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: Section 307(b)(1) as enacted 1970
Attachments: 1977 CAA Legis History [H. Rep. 95-294 May 1977].pdf

CUI//PRIVILEGE

Ex. 5 AC/DP

Jeanhee Hong (she/her)
Attorney-Advisor, Air and Radiation Law Office
USEPA Office of General Counsel
(202) 565-0040

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Message

From: McDowell, Ephraim (OSG) [Ephraim.McDowell@usdoj.gov]
Sent: 8/23/2024 7:25:03 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Kolman, Chloe (ENRD) [Chloe.Kolman@usdoj.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]
Subject: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio
Attachments: Diamond Alternative Energy Opp - 24-7 - McDowell.docx; 24-13 ohio v epa - McDowell.docx

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

Thanks very much in advance.

Best,
Ephraim

—

Ephraim McDowell
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
O: 202-514-1203
C: 202-230-8459
ephraim.mcdowell@usdoj.gov

Message

From: Hoffman, Howard [hoffman.howard@epa.gov]
Sent: 12/11/2024 5:55:57 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: Biden Rules track record in court?
Attachments: Obama Rules CAA Track Record 1-18-17.pdf

Ex. 5 AC/DP

Howard J. Hoffman USEPA-OGC-ARLO (202) 564-5582(O) (240)-401-9721(C) Room 7415 WJC-North
Mailing address: Mail Code 7344A, 1200 Pennsylvania Ave. NW Washington, D.C. 20460

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Message

From: Patulski, Meg [patulski.meg@epa.gov]
Sent: 12/30/2024 10:29:15 PM
To: Revelt, Jean Marie [revelt.jean-marie@epa.gov]; Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Samulski, Michael [samulski.michael@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: For OAR Review: Signature package for EPA's Final Decision on California's CHC Regulation (SAN 11541)
Attachments: Action Memo_CHC signature package.docx; 11541-01-OAR_CHC FR Notice_20241230_OAR Review.docx; Decision Document_CHC signature package_12-30-2024.docx; Typesetting Request -- CARB CHC authorization request notice of decision -- FCOsigned.pdf; 11541-01-OAR_CHC Action_Information_Form.docx

FYI. This package was sent to OAR today.

Congratulations, and a job well done in bringing this across the finish line today! What an awesome team!

From: Herbolsheimer, Courtney <herbolsheimer.courtney@epa.gov>
Sent: Monday, December 30, 2024 4:31 PM
To: OAPPSREGCONTACTS <OAPPSREGCONTACTS@epa.gov>
Cc: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Burch, Julia (she/her/hers) <Burch.Julia@epa.gov>; Meekins, Tanya <Meekins.Tanya@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Steele, Mikayla <Steele.Mikayla@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>; Suarez, Patricia (Trish) (she/her/hers) <suarez.patricia@epa.gov>; Hooper, Daniel (he/him/his) <hooper.daniel@epa.gov>; Zinsmeister, Emma (she/her/hers) <Zinsmeister.Emma@epa.gov>; Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>; Truesdell, Rod (he/him/his) <Truesdell.Rod@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: For OAR Review: Signature package for EPA's Final Decision on California's CHC Regulation (SAN 11541)

Hi OAPPS,

Ex. 5 Deliberative Process (DP)

Thank you and let me know if you have any questions!
Courtney

Message

From: Weaver, Susannah [Weaver.Susannah@epa.gov]
Sent: 1/2/2025 4:12:07 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]
Subject: FW: Final CHC decision document
Attachments: Decision Document_CHC signature package_12-30-2024SW.docx

CUI//PRIVILEGE

FYI, and feel free to share with OTAQ.

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From: Weaver, Susannah
Sent: Thursday, January 2, 2025 11:10 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: RE: Final CHC decision document

Joe and Ale,

Ex. 5 AC/DP

Thanks,
Susannah

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, January 2, 2025 10:51 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Re: Final CHC decision document

CUI//PRIVILEGE

Ex. 5 AC/DP

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From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Thursday, January 2, 2025 6:39:43 AM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>
Subject: RE: Final CHC decision document

CUI//PRIVILEGE

Will do!

And can you remind me of which ones are pending for Jane's signature today?

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From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Thursday, January 2, 2025 9:36 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: Final CHC decision document

CUI//PRIVILEGE

Thanks – if you can share your changes this morning that would be great, so I can send them to OTAQ through the regular process.

Emma tells me that if we send the package to the AO at some point today it could still be signed tomorrow. I will follow-up after noon when we have more information. Thanks.

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From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Wednesday, January 1, 2025 6:34 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Re: Final CHC decision document

CUI//PRIVILEGE

Ex. 5 AC/DP Thanks.

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From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, January 1, 2025 12:41:06 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: RE: Final CHC decision document

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, December 31, 2024 2:32 PM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: RE: Final CHC decision document

Thanks, Ale.

Joseph Goffman
Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

From: Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Sent: Tuesday, December 31, 2024 2:21 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Subject: Final CHC decision document

Hi Joe and Susannah,
Attached is the final CHC decision document.

Ex. 5 AC/DP

Thank you and Happy New Year!
Ale

Message

From: Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]
Sent: 1/2/2025 4:20:24 PM
To: Patulski, Meg [patulski.meg@epa.gov]; Samulski, Michael [samulski.michael@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Revelt, Jean Marie [revelt.jean-marie@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: Heads-up about how to handle a few comments on CHC documents
Attachments: Decision Document_CHC signature package_12-30-2024SW.docx

CUI//PRIVILEGE

Hi Meg and all,

Ex. 5 AC/DP

Let me know if you have concerns about these or other 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.

Controlled by U.S. Environmental Protection Agency

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Thursday, January 2, 2025 10:49 AM
To: Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Samulski, Michael <samulski.michael@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Revelt, Jean Marie <revelt.jean-marie@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Payne, Matthew <payne.matthew@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Subject: Heads-up about how to handle a few comments on CHC documents

Hello,

Ex. 5 AC/DP

Ex. 5 AC/DP

We are still working towards signature at 10:30am tomorrow and rollout in the afternoon (~2pm).

Meg

From: Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>
Sent: Thursday, January 2, 2025 9:33 AM
To: Patulski, Meg <patulski.meg@epa.gov>; Samulski, Michael <samulski.michael@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Revelt, Jean Marie <revelt.jean-marie@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Payne, Matthew <payne.matthew@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Language in the TRU and CHC documents regarding the partial waiver topic, and the communication roll-out Q&As

Hi all,

I added a couple comments and edits in the shared document, but they are consistent with the below. I'm comfortable deferring to these edits.

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: Patulski, Meg <patulski.meg@epa.gov>
Sent: Thursday, January 2, 2025 9:25 AM
To: Samulski, Michael <samulski.michael@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Revelt, Jean Marie <revelt.jean-marie@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Payne, Matthew <payne.matthew@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Language in the TRU and CHC documents regarding the partial waiver topic, and the communication roll-out Q&As

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Samulski, Michael <samulski.michael@epa.gov>
Sent: Thursday, January 2, 2025 9:24 AM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Revelt, Jean Marie <revelt.jean-marie@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Payne, Matthew <payne.matthew@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: Language in the TRU and CHC documents regarding the partial waiver topic, and the communication roll-out Q&As

Ex. 5 AC/DP

From: Charmley, William (he/him/his) <charmley.william@epa.gov>
Sent: Thursday, January 2, 2025 7:43 AM
To: Patulski, Meg <patulski.meg@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Revelt, Jean Marie <revelt.jean-marie@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>; Payne, Matthew <payne.matthew@epa.gov>; Samulski,

Michael <samulski.michael@epa.gov>; Reiter, Lisa (she/her/hers) <Reiter.Lisa@epa.gov>; Mylan, Christopher <Mylan.Christopher@epa.gov>
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: Language in the TRU and CHC documents regarding the partial waiver topic, and the communication roll-out Q&As

Dear all –

Ex. 5 AC/DP

Thanks
Bill

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Message

From: Charmley, William (he/him/his) [charmley.william@epa.gov]
Sent: 1/2/2025 6:51:27 PM
To: Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Samulski, Michael [samulski.michael@epa.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: OPEN ONLY AFTER HOLIDAYS - CHC

Dear all –

Here is the response I sent to AA Goffman on this topic. Thanks Kyle and David for pointing me to the right places in the CHC Decision Document on this topic.

Bill

From: Charmley, William (he/him/his)
Sent: Thursday, January 2, 2025 12:53 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: RE: OPEN ONLY AFTER HOLIDAYS - CHC

Dear Joe –

Ex. 5 Deliberative Process (DP)

Thanks
Bill

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)

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Thursday, January 2, 2025 12:03 PM
To: Charmley, William (he/him/his) <charmley.william@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>
Subject: Fw: OPEN ONLY AFTER HOLIDAYS - CHC

Resend

Get Outlook for iOS

From: Goffman, Joseph <Goffman.Joseph@epa.gov>
Sent: Tuesday, December 24, 2024 11:27 AM
To: Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Dunham, Sarah (she/her/hers) <Dunham.Sarah@epa.gov>; Charmley, William (he/him/his) <charmley.william@epa.gov>
Subject: OPEN ONLY AFTER HOLIDAYS - CHC

Ex. 5 Deliberative Process (DP)

Joseph Goffman
Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

Message

From: Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]
Sent: 1/3/2025 5:26:44 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: FW: CHC Dec Doc - one more edit?
Attachments: Decision Document_CHC signature package OFFLINE.docx

Importance: High

CUI//PRIVILEGE

Ryland,

Ex. 5 AC/DP

Kyle

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From: Durch, Kyle (he/him/his)
Sent: Friday, January 3, 2025 12:01 PM
To: Patulski, Meg <patulski.meg@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: CHC Dec Doc - one more edit?

Ex. 5 AC/DP

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Friday, January 3, 2025 11:50 AM
To: Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: CHC Dec Doc - one more edit?

CUI//PRIVILEGE

Ex. 5 AC/DP

But let me know.

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From: Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>
Sent: Friday, January 3, 2025 11:38 AM
To: Patulski, Meg <patulski.meg@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: CHC Dec Doc - one more edit?

CUI//PRIVILEGE

Good morning,

Ex. 5 AC/DP

Best,

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

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Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 8/13/2024 6:39:26 PM
To: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Dertke, Daniel [Daniel.Dertke@usdoj.gov]
CC: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: FW: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Sue and Dan,

Thank you again for all of the consideration and work on this supplemental brief, especially on such a compressed schedule.

Ex. 5 AC/AWP

thanks

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, August 13, 2024 11:44 AM
To: Orlin, David <Orlin.David@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

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From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Tuesday, August 13, 2024 11:29 AM
To: Orlin, David <Orlin.David@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: draft supplemental brief for Texas v EPA (MY2023-2026 LD GHG standards)

Hi Susannah and Meghan,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 12/13/2024 11:19:35 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: FW: Oklahoma/PacifiCorp
Attachments: PacifiCorp petitioners' brief.pdf; Oklahoma petitioners' brief.pdf

Flag: Follow up

Earlier email from DOJ/OSG had only one of petitioners' briefs in *Oklahoma/PacifiCorp.* This one has both briefs attached.

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Friday, December 13, 2024 3:09 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: RE: Oklahoma/PacifiCorp

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Can't wait!!

Also, Aimee accidentally sent only one brief and mislabeled it. Here are the correct briefs, correctly labeled. Have a good weekend!

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, December 13, 2024 4:05 PM
To: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Cc: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: [EXTERNAL] Re: Oklahoma/PacifiCorp

Thanks, Alex. We'll start tearing this apart on our end as well. I'll invite Rosemary to take lead in working out a review process and meeting(s) next week with you all.

Ex. 5 AC/AWP

On Dec 13, 2024, at 3:22 PM, St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov> wrote:

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

Hi EPA,

Ex. 5 AC/AWP

Have a great weekend. Look forward to chatting about this next week.

Best,
Alex

From: Brown, Aimee W. (OSG) <Aimee.W.Brown@usdoj.gov>
Sent: Friday, December 13, 2024 2:36 PM
To: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: Oklahoma/PacifiCorp

Hi Alex,

We just received the petitioners' brief in Oklahoma/PacifiCorp. I've attached it here. Please feel free to share with folks at EPA.

Thanks,

Aimee Brown
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
202-514-4277

<Oklahoma petitioners' brief.pdf>

Message

From: Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]
Sent: 1/10/2025 1:25:44 PM
To: Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Orlin, David [Orlin.David@epa.gov]
CC: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: draft NHTSA brief re CAFE rule (CA6)
Attachments: In re NHTSA 1.8.2025.docx; 2024-11-20 Fuel and state petitioners' brief (corrected).pdf; 2024-11-19 Envt'l petitioners' brief.pdf

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

Hi all,

Ex. 5 AC/AWP

Many thanks,
Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Thursday, December 12, 2024 10:12 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: [EXTERNAL] RE: question from Civil re CAA HD provision

Ex. 5 AC/AWP

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, December 12, 2024 4:20 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: question from Civil re CAA HD provision

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Ex. 5 AC/AWP

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Thursday, December 12, 2024 3:59 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: [EXTERNAL] RE: question from Civil re CAA HD provision

Ex. 5 AC/AWP

Thanks,
Andrea

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, December 12, 2024 2:52 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: question from Civil re CAA HD provision

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

EPA vehicles team,

Ex. 5 AC/AWP

Thanks,

Sue

Sue Chen
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.305.0283

From: Koppel, Joshua M. (CIV) <Joshua.M.Koppel@usdoj.gov>
Sent: Thursday, December 12, 2024 2:37 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Cc: Kennedy, Kevin J. (CIV) <Kevin.J.Kennedy@usdoj.gov>
Subject: Clean Air Act provision

Hi Sue,

Ex. 5 AC/AWP

Thanks,
Josh

Joshua Koppel
Civil Division, Appellate Staff
U.S. Department of Justice
(202) 514-4820

Message

From: Schwartz, Adan [Schwartz.Adan@epa.gov]
Sent: 8/28/2024 7:33:11 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]
Subject: FW: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio
Attachments: ENV_DEFENSE-#1243458-v1-Diamond_Alternative_Energy_Opp_-_24-7_-_McDowell_-_EDS_comments.docx; ENRD Comments 24-13 ohio v epa - McDowell.docx

Ryland and David,

I haven't looked at these yet. Note the close hold request from Eric.

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, August 28, 2024 3:29 PM
To: Schwartz, Adan <Schwartz.Adan@epa.gov>
Subject: RE: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio

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

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Schwartz, Adan <Schwartz.Adan@epa.gov>
Sent: Wednesday, August 28, 2024 3:21 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: [EXTERNAL] RE: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio

Eric,

Will you be able to share ENRD's comments to OSG?

From: Schwartz, Adan
Sent: Wednesday, August 28, 2024 3:13 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; chloe.kolman@usdoj.gov
Cc: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Subject: RE: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Adan Schwartz (he/him/his)
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
Office Phone: (202) 564-1808

From: Schwartz, Adan
Sent: Wednesday, August 28, 2024 1:31 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: RE: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio

Yes, sorry, for some reason I was thinking comments were due COB today. I'm just cleaning them up now and will get them to you by 3.

Adan Schwartz (he/him/his)
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
Office Phone: (202) 564-1808

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, August 28, 2024 1:25 PM
To: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Schwartz, Adan <Schwartz.Adan@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>
Cc: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>
Subject: RE: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio

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

To follow up on this, does EPA have any comments on the initial draft briefs in opposition that were circulated by Ephraim Friday?

Eric Hostetler
Senior Counsel for Appellate Matters
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: McDowell, Ephraim (OSG) <Ephraim.McDowell@usdoj.gov>
Sent: Friday, August 23, 2024 3:25 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Kolman, Chloe (ENRD) <Chloe.Kolman@usdoj.gov>; li.ryland@epa.gov; schwartz.adan@epa.gov; dickinson.david@epa.gov
Subject: Draft Briefs in Opposition - Diamond Alternative Energy/Ohio

Ex. 5 AC/AWP

Thanks very much in advance.

Best,
Ephraim

—

Ephraim McDowell
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
O: 202-514-1203
C: 202-230-8459
ephraim.mcdowell@usdoj.gov

Message

From: Patulski, Meg [patulski.meg@epa.gov]
Sent: 11/18/2024 3:26:34 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Payne, Matthew [payne.matthew@epa.gov]; Nelson, Brian [nelson.brian@epa.gov]
CC: Strickland, Samuel [Strickland.Samuel@epa.gov]
Subject: RE: Waiver Template Meeting
Attachments: ACC II Waiver Final Decision FR Notice_working draft 10-28-2024.docx

Hello,

Ex. 5 AC/DP

Meg

From: Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Sent: Monday, November 18, 2024 10:14 AM
To: Payne, Matthew <payne.matthew@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Nelson, Brian <nelson.brian@epa.gov>
Cc: Strickland, Samuel <Strickland.Samuel@epa.gov>
Subject: RE: Waiver Template Meeting

Thanks for the productive conversation today. Below are some of the other waiver notices I mentioned:

Ex. 5 AC/DP

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

-----Original Appointment-----
From: Payne, Matthew <payne.matthew@epa.gov>
Sent: Tuesday, November 12, 2024 4:14 PM
To: Payne, Matthew; Patulski, Meg; Nelson, Brian; Li, Ryland (Shengzhi)
Cc: Strickland, Samuel
Subject: Waiver Template Meeting
When: Monday, November 18, 2024 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

This is to discuss developing a template for waiver request responses.

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 245 403 345 596

Passcode: dJF65A

Dial in by phone

+1 202-991-0477,,909307742# United States, Washington

Find a local number

Phone conference ID: 909 307 742#

Join on a video conferencing device

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

Video ID: 118 740 855 9

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: Weaver, Susannah [Weaver.Susannah@epa.gov]
Sent: 11/18/2024 3:33:48 PM
To: Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: FW: venue
Attachments: 13175-1_hrp294_from_1_to_545.pdf

CUI//PRIVILEGE

Hi Ryland and Adan,

Ex. 5 AC/DP

Thanks,
Susannah

Controlled by U.S. Environmental Protection Agency