Appointment

From: Raps, Virginia [raps.virginia@epa.gov]
Sent: 2/2/2024 1:47:43 PM
To: Raps, Virginia [raps.virginia@epa.gov]; Jason.D.Emmons@usace.army.mil; david.b.olson@usace.army.mil; Chris.D.Carey@usace.army.mil; baanderson@blm.gov; ccooper@blm.gov; jsimmons@blm.gov; brian.costner@hq.doe.gov; Neil.a.sheehan@uscg.mil; ralph.iovinelli@faa.gov; Gail.Orendorff@faa.gov; Jeetendra.Upadhyay@faa.gov; jason.c.lynch3.civ@army.mil; brian.r.moyer1.civ@army.mil; robert.w.durham14.civ@army.mil; michael.khalamayzer2.civ@army.mil; paul.a.josephson2.civ@army.mil; david.e.coffin6.civ@us.navy.mil; abe.h.nachabe.civ@us.navy.mil; francisco.castaneda@us.af.mil; john.smith.165@us.af.mil; ira.silverberg@dla.mil; Donald.Martin@dla.mil; amy.m.walker24.civ@us.navy.mil; peter.lahm@usda.gov; joshua.hall@usda.gov; Jay.collbert@hq.dhs.gov; Magdalene.Suter@ferc.gov; kylee.ferrara@ferc.gov; Eric.Tomasi@ferc.gov; dbassett@fmc.gov; carmen.stemen@dot.gov; faris.mohammed@dot.gov; Palmer, Karen [Palmer.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; King, Rochelle (she/her/hers) [King.Rochelle@epa.gov]; Bowen, Richard [Bowen.Richard@epa.gov]; Kormos, Andrew [Kormos.Andrew@epa.gov]
CC: Brachtl, Megan [Brachtl.Megan@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]

Subject: Interagency Coordination Workgroup Meeting - General Conformity NPRM
Attachments: 2-13-2024 ICW Amend Follow up .docx
Location: Microsoft Teams Meeting

Start: 2/13/2024 8:00:00 PM
End: 2/13/2024 9:00:00 PM
Show Time As: Tentative

Required Attendees: Jason.D.Emmons@usace.army.mil; david.b.olson@usace.army.mil; Chris.D.Carey@usace.army.mil; baanderson@blm.gov; ccooper@blm.gov; jsimmons@blm.gov; brian.costner@hq.doe.gov; Neil.a.sheehan@uscg.mil; ralph.iovinelli@faa.gov; Gail.Orendorff@faa.gov; Jeetendra.Upadhyay@faa.gov; jason.c.lynch3.civ@army.mil; brian.r.moyer1.civ@army.mil; robert.w.durham14.civ@army.mil; michael.khalamayzer2.civ@army.mil; paul.a.josephson2.civ@army.mil; david.e.coffin6.civ@us.navy.mil; abe.h.nachabe.civ@us.navy.mil; francisco.castaneda@us.af.mil; john.smith.165@us.af.mil; ira.silverberg@dla.mil; Donald.Martin@dla.mil; amy.m.walker24.civ@us.navy.mil; peter.lahm@usda.gov; joshua.hall@usda.gov; Jay.collbert@hq.dhs.gov; Magdalene.Suter@ferc.gov; kylee.ferrara@ferc.gov; Eric.Tomasi@ferc.gov; dbassett@fmc.gov; carmen.stemen@dot.gov; faris.mohammed@dot.gov; Palmer, Karen; Vijayan, Abi; King, Rochelle (she/her/hers); Bowen, Richard; Kormos, Andrew
Optional Attendees: Brachtl, Megan; Mathias, Scott

Today's meeting discussion guide is attached.

Ex. 5 AC/DP

Please let me know if you have any questions.

Virginia

Virginia Raps
EPA | General Conformity Program Leader
Notice of Proposed Rulemaking (NPR)

Interagency Coordination Workgroup
OAQPS | AQPD | New Source Review Group (NSRG)
Phone 919-541-4383
Raps.virginia@epa.gov

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Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 2/7/2024 8:49:01 PM
To: Simcox, Alison [simcox.alison@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Bloemer, Matthew [Bloemer.Matthew@epa.gov]; Taveras, Fausto (he/him/his) [Taveras.Fausto@epa.gov]; Adams, Evan (he/him/his) [adams.evan@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Avey, Lance [Avey.Lance@epa.gov]; Bailey, Ashten [Bailey.Ashten@epa.gov]; Bean, Clayton (he/him/his) [bean.clayton@epa.gov]; Bell, Tiereny [Bell.Tiereny@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Biton, Leiran (he/him/his) [biton.leiran@epa.gov]; Bohning, Scott [Bohning.Scott@epa.gov]; Bowker, George [Bowker.George@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Castro, Marina (she/her/hers) [Castro.Marina@epa.gov]; Chen, Alexander [Chen.Alex@epa.gov]; Chi, John [Chi.John@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Clark, Adam [Clark.Adam@epa.gov]; Cobb, Brandon [cobb.brandon@epa.gov]; Cohen, Michael [Cohen.Michael@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]; Creilson, John [Creilson.John@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Davidson, Olivia (she/her/hers) [Davidson.Olivia@epa.gov]; Dejong, Holly [Dejong.Holly@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Doolan, Stephanie [Doolan.Stephanie@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]; Fisher, Brian [Fisher.Brian@epa.gov]; Fortin, Kelly [Fortin.Kelly@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Garcia, Ariel [Garcia.Ariel@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; Graham, AshleyR (she/her/hers) [Graham.AshleyR@epa.gov]; Greene, Cynthia (she/her/hers) [Greene.Cynthia@epa.gov]; Haeuber, Richard [Haeuber.Richard@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Hamjian, Lynne (she/her/hers) [Hamjian.Lynne@epa.gov]; Hawkins, Andy [hawkins.andy@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Huser, Jennifer [Huser.Jennifer@epa.gov]; Jay, Michael [Jay.Michael@epa.gov]; Kay, Rynda (she/her/hers) [Kay.Rynda@epa.gov]; Keas, Ashley [keas.ashley@epa.gov]; Kelly, ThomasP [Kelly.ThomasP@epa.gov]; Kemp, Lachala [Kemp.Lachala@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Kuhns, Jason [Kuhns.Jason@epa.gov]; Lacount, Melanie [LaCount.Melanie@epa.gov]; Langdon, Robin [Langdon.Robin@epa.gov]; Lau, Gavin (he/him/his) [Lau.Gavin@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Lifland, David [Lifland.David@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Lohrke, Gregory [lohrke.gregory@epa.gov]; Mackintosh, David [Mackintosh.David@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]; Mark, Jeremy [Mark.Jeremy@epa.gov]; Travia, Donna [Travia.Donna@epa.gov]; Matichuk, Rebecca [Matichuk.Rebecca@epa.gov]; Mays, Rory [Mays.Rory@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; McWilliams, Anne K. [mcwilliams.anne@epa.gov]; Medina, Dayana [Medina.Dayana@epa.gov]; Mercado, Edgar [Mercado.Edgar@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Murray, Beth [Murray.Beth@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Pepple, Karl [Pepple.Karl@epa.gov]; Perez, Idalia (she/her/hers) [Perez.Idalia@epa.gov]; Pitre, Randy [Pitre.Randy@epa.gov]; Possiel, Norm (he/him/his) [Possiel.Norm@epa.gov]; Powers, Garrett (he/him/his) [powers.jamesg@epa.gov]; Prentice, Amanda [Prentice.Amanda@epa.gov]; Rennie, Gary [Rennie.Gary@epa.gov]; Rogan, John (he/him/his) [Rogan.John@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Rucki, Thomas [Rucki.Thomas@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Scofield, Steven [Scofield.Steve@epa.gov]; Selbst, Elizabeth [selbst.elizabeth@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Snyder, Erik [snyder.erik@epa.gov]; Sorrels, Larry [Sorrels.Larry@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Stein, Joseph [stein.joseph@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Stone, William [stone.william@epa.gov]; Talley, David [Talley.David@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Timin, Brian [Timin.Brian@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tonnesen, Gail [Tonnesen.Gail@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Uher, Thomas (he/him/his) [uher.thomas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vit, Wendy (she/her/hers) [Vit.Wendy@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Vargas, Ricardito [vargas.ricardito@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; Mahler, Matthew [Mahler.Matthew@epa.gov]; Lundequam, Megan

[Lundequam.Megan@epa.gov]; Shelton, Stacy (she/her/hers) [Shelton.Stacy@epa.gov]; O'Shea, Michael [OShea.Michael@epa.gov]; Ledezma, Andrew (he/him/his) [Ledezma.Andrew@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Sofka, Gwyndolyn (she/her/hers) [Sofka.Gwyndolyn@epa.gov]; Meyer, Jonathan [Meyer.Jonathan@epa.gov]; Rutherford, Robert [Rutherford.Robert@epa.gov]; Lillis, Patrick [Lillis.Patrick@epa.gov]; Fradkin, Kenneth [Fradkin.Kenneth@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]

CC: Durch, Kyle [Durch.Kyle@epa.gov]; Corcoran, Katherine (she/her/hers) [Corcoran.Katherine@epa.gov]

Subject: Monthly Transport SIP Workgroup Call - updated agenda
Attachments: 2024_Feb_08-Transport Call Agenda.docx
Location: Microsoft Teams Meeting

Start: 2/8/2024 7:00:00 PM
End: 2/8/2024 8:00:00 PM
Show Time As: Tentative

Recurrence: Monthly
the second Thursday of every 1 month(s) from 2:00 PM to 3:00 PM

Required Attendees: Svingen, Eric; Bloemer, Matthew; Taveras, Fausto (he/him/his); Adams, Evan (he/him/his); Arra, Sarah (she/her/hers); Avey, Lance; Bailey, Ashten; Bean, Clayton (he/him/his); Bell, Tiereny; Benjamin, Lynorae; Biton, Leiran (he/him/his); Bohning, Scott; Bowker, George; Bradley, Twunjala; Castro, Marina (she/her/hers); Chen, Alexander; Chi, John; Christenson, Kara (she/her/hers); Clark, Adam; Cobb, Brandon; Cohen, Michael; Conrad, Daniel; Creilson, John; D'Agostino, Kathleen; Davidson, Olivia (she/her/hers); Dejong, Holly; Donaldson, Guy; Doolan, Stephanie; Feldman, Michael; Fernandez, Cristina; Ferreira, Nicholas (he/him/his); Fisher, Brian; Fortin, Kelly; Gallagher, Shirin; Gallegos, Jacob; Garcia, Ariel; Goold, Megan (she/her/hers); Graham, AshleyR (she/her/hers); Greene, Cynthia (she/her/hers); Haeuber, Richard; Hall, Kristin; Hambright, Rosemary; Hamjian, Lynne (she/her/hers); Hawkins, Andy; HertzWu, Sara; Hoffman, Howard; Huey, Joel; Hunt, Jeff; Huser, Jennifer; Jay, Michael; Kay, Rynda (she/her/hers); Keas, Ashley; Kelly, ThomasP; Kemp, Lachala; Kerr, Hali (she/her/hers); Kuhns, Jason; Lacount, Melanie; Langdon, Robin; Lau, Gavin (he/him/his); Lee, Andrew; Leers, Ben (he/him/his); Lifland, David; Lingard, Robert (he/him/his); Lohrke, Gregory; Mackintosh, David; Magee, Melanie; Mark, Jeremy; Mastro, Donna; Matichuk, Rebecca; Mays, Rory; McConnell, Robert; McHale, Mary; McKinley, Gobeail; McWilliams, Anne K.; Medina, Dayana; Mercado, Edgar; Mocka, Corey; Murray, Beth; Nann, Barbara; Palma, Elizabeth; Parke, Nicolas; Pepple, Karl; Perez, Idalia (she/her/hers); Pitre, Randy; Possiel, Norm (he/him/his); Powers, Garrett (he/him/his); Prentice, Amanda; Rennie, Gary; Rogan, John (he/him/his); Ruan-Lei, Karolina; Rucki, Thomas; Salem, Nevine; Schmitt, Ellen (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Scofield, Steven; Selbst, Elizabeth; Shar, Alan; Smith, Noah; Snyder, Erik; Sorrels, Larry; Spann, Jane; Spenillo, Justin; Stein, Joseph; Stenhouse, Jeb; Stone, William; Talley, David; Thrift, Mike; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Triplett, Eric; Uher, Thomas (he/him/his); Vijayan, Abi; Villatora, Liliana; Vit, Wendy (she/her/hers); Walther, Katherine; Wells, Benjamin; Wieber, Kirk; Wilcox, Geoffrey; Wiley, Adina; Wong, Richard; Hong, Jeanhee; Ruvo, Richard (he/him/his); Vargas, Ricardito; Vaupel, Claudia; Thomas, Ronald; Mahler, Matthew; Lundequam, Megan; Shelton, Stacy (she/her/hers); O'Shea, Michael; Ledezma, Andrew (he/him/his); Wortman, Eric (he/him/his); Stephens, Ryan; Dru, Jacobine (she/her/hers); Leith, Andrew; Sofka, Gwyndolyn; Meyer, Jonathan; Rutherford, Robert; Lillis, Patrick; Fradkin, Kenneth; Kosin, Michele

Optional Attendees: Durch, Kyle; Corcoran, Katherine (she/her/hers)

Attached is tomorrow's agenda. Please let me know if you have any suggested edits or additional agenda items.

Thanks.
Alison

Alison C. Simcox, PhD
Environmental Scientist/Engineer
US EPA Region 1
Air Quality Branch

Air and Radiation Division

Microsoft Teams meeting

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Appointment

From: Andrea Issod [andrea.issod@sierraclub.org]
Sent: 3/8/2024 4:31:30 PM
To: Andrea Issod [andrea.issod@sierraclub.org]; paul.caintic@usdoj.gov; david.kaplan@usdoj.gov; Joshua Smith [joshua.smith@sierraclub.org]; andrew.coghlan@usdoj.gov; edavis@nrdc.org; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; sarah.buckley@usdoj.gov; Vijayan, Abi [Vijayan.Abi@epa.gov]; dtumeh@earthjustice.org; sjohnson@earthjustice.org; John Walker [jwalke@nrdc.org]; pdycus@environmentalintegrity.org

Subject: SSM SIP Call
Attachments: invite.ics

Start: 3/13/2024 6:30:00 PM
End: 3/13/2024 7:00:00 PM
Show Time As: Busy

Recurrence: (none)

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When

Wednesday Mar 13, 2024 · 11:30am – 12pm
(Pacific Time - Los Angeles)

Guests

Andrea Issod - organizer
paul.caintic@usdoj.gov
david.kaplan@usdoj.gov
Joshua Smith
andrew.coghlan@usdoj.gov
edavis@nrdc.org
pettit.elizabetha@epa.gov

Join with Google Meet

Meeting link

meet.google.com/gbj-gybn-yse

Join by phone

(US) +1 347-754-4424
PIN: 243801362

More phone numbers

sarah.buckley@usdoj.gov
vijayan.abi@epa.gov
dtumeh@earthjustice.org
sjohnson@earthjustice.org
jwalke@nrdc.org
pdycus@environmentalintegrity.org
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Reply for vijayan.abi@epa.gov

Yes | No | Maybe

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Organizer:	Andrea Issod : andrea.issod@sierraclub.org
Subject:	SSM SIP Call
Location:	
Start Time:	2024-03-13T11:30:00-07:00
End Time:	2024-03-13T12:00:00-07:00
Attendees:	Andrea Issod : andrea.issod@sierraclub.org, paul.caintic@usdoj.gov : paul.caintic@usdoj.gov, david.kaplan@usdoj.gov : david.kaplan@usdoj.gov, Joshua Smith, joshua.smith@sierraclub.org, andrew.coghlan@usdoj.gov : andrew.coghlan@usdoj.gov, edavis@nrdc.org : edavis@nrdc.org, pettit.elizabetha@epa.gov, pettit.elizabetha@epa.gov, sarah.buckley@usdoj.gov, sarah.buckley@usdoj.gov, vijayan.abi@epa.gov : vijayan.abi@epa.gov, dtumeh@earthjustice.org : dtumeh@earthjustice.org, sjohnson@earthjustice.org, sjohnson@earthjustice.org, jwalke@nrdc.org : jwalke@nrdc.org, pdycus@environmentalintegrity.org : pdycus@environmentalintegrity.org

-::~:~::~::~:~::-
Join with Google Meet: https://meet.google.com/gbj-gybn-yse
Or dial: (US) +1 347-754-4424 PIN: 243801362#
More phone numbers: https://tel.meet/gbj-gybn-yse?pin=1538354052005&hs=7

Learn more about Meet at: https://support.google.com/a/users/answer/9282720

Please do not edit this section.
-::~:~::~::~:~::-

Appointment

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/8/2024 4:25:57 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]
CC: Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]

Subject: SIP SSM Decision - Impact on Chem Sector
Attachments: SSM decision - partial vacatur
Location: Microsoft Teams Meeting

Start: 3/8/2024 6:00:00 PM
End: 3/8/2024 6:25:00 PM
Show Time As: Busy

Required Attendees: Anderson, Lea (she/her/hers)
Optional Attendees: Hogan, Stephanie (she/her/hers); Vijayan, Abi

Lea – If this time doesn't work, just let me know! Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Abi – completely optional! But wanted to include you here to cover all the bases.

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Appointment

From: Carbonell, Tomas [Carbonell.Tomas@epa.gov]
Sent: 3/27/2024 4:57:46 PM
To: Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Evangelista, Mark [Evangelista.Mark@epa.gov]; Smith, Jason [Smith.Jason@epa.gov]; Keller, Peter [keller.peter@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Watkins, Nealson [Watkins.Nealson@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Taft, Sarah (she/her/hers) [Taft.Sarah@epa.gov]; Toney, Anthony [Toney.Anthony@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Nicholson, John [Nicholson.John@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]

Subject: OAR Pre-Brief re: KY Meeting
Attachments: OAR Internal meeting request_PM Designations KY Prebrief_April2024_FINAL.docx
Location: Microsoft Teams Meeting

Start: 3/28/2024 5:30:00 PM
End: 3/28/2024 6:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Required Attendees: Tsirigotis, Peter; Dunkins, Robin; Kornylak, Vera S.; Palma, Elizabeth; Scott, Denise; Senter, Stephen; Leith, Andrew; Brashear, Angelina (she/her/hers); Evangelista, Mark; Smith, Jason; Keller, Peter; Mocka, Corey; Watkins, Nealson; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Vijayan, Abi; Durch, Kyle; Taft, Sarah (she/her/hers); Toney, Anthony; Gettle, Jeaneanne; Nicholson, John; Zapata, Cesar; Palmer, Leif
Optional Attendees: Pettit, Elizabeth (Libby); Lucey, John

Microsoft Teams Need help?

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Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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[SEQ CHAPTER \h \r 1]OAR Meeting Request Form
For Tomas Carbonell

Date of this Request: 3/25/2024
Scheduling Point of Contact: Lana Massey

Subject: OAR Pre-Brief re: KY Meeting

Purpose: Pre-Brief with OAR in advance of 4/1/2024 meeting with State of Kentucky Air Officials to Discuss the $PM_{2.5}$ Designations, State and EPA Collaboration, and Exceptional Events Determinations Processes.

First possible date for meeting: 3/28/2024
Last possible date for meeting: 3/28/2024
Duration: 30 minutes
Reasons for Requested Dates/Duration: ***Meeting Request from KY Governor Beshear***

Requested Meeting Format (select one):
__X__Virtual
____Hybrid (in-person and virtual option; pending in-office availability of leadership team)

Invitees (please list invitees by Office and in the following format: *Last.First;* *(ex. Blossom.Cherry;)*

OAR	Carbonell, Tomás;
OAQPS	Tsirigotis, Peter; Dunkins, Robin; Wayland, Chet; Kornylak, Vera; Elizabeth, Palma; Scott, Denise; Senter, Stephen; Leith, Andrew; Brashear, Angelina; Evangelista, Mark; Smith, Jason; Keller, Peter; Mocka, Corey; Watkins, Nealson;
OGC:	Wilcox, Geoff; Perez-Ortiz, Yasmin; Vijayan, Abi; Durch, Kyle;
EPA Region 4	Taft, Sarah; Toney, Anthony; Gettle, Jeaneanne; Nicholson, John; Zapata, Cesar; Palmer, Leif

*Please submit this OAR internal meeting request form to [HYPERLINK "mailto: Ex. 6 Personal Privacy (PP)]

*Briefing materials should be submitted to [HYPERLINK "mailto: Ex. 6 Personal Privacy (PP)] by 3 pm one working day prior to the meeting

Form updated January 2024

Appointment

From: St. Romain, Alexandra (ENRD) [Alexandra.St.Romain@usdoj.gov]
Sent: 3/28/2024 3:19:40 PM
To: St. Romain, Alexandra (ENRD) [Alexandra.St.Romain@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]

Subject: PM2.5 -- deferred appendix / briefing schedule
Location: Microsoft Teams Meeting

Start: 3/28/2024 7:30:00 PM
End: 3/28/2024 8:00:00 PM
Show Time As: Busy

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

-----Original Appointment-----
From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Thursday, March 28, 2024 11:17 AM
To: St. Romain, Alexandra (ENRD); Orlin, David; Buckley, Sarah (ENRD)
Subject: PM2.5 -- deferred appendix / briefing schedule
When: Thursday, March 28, 2024 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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

Microsoft Teams Need help?

Join the meeting now

Dial-in by phone

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, March 28, 2024 10:50 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Cc: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: [EXTERNAL] RE: PM2.5 -- deferred appendix / briefing schedule

Hi Sarah,

My schedule is blessedly free of meetings today and tomorrow (except tomorrow at 2), although I think Abi is only free at 1 and 3:30 today (if then) and maybe it makes sense to loop her in.

For efficiency and because I think better in writing I hope you don't mind if I give you some reactions off the top of my head—

Ex. 5 AC/AWP/DP

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

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Thursday, March 28, 2024 9:43 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: FW: PM2.5 -- deferred appendix / 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 David:

See email below re: PM NAAQS. Alex and I would like to chat about what a reasonable schedule would be. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Sarah

From: Lin, Elbert <ELin@hunton.com>
Sent: Wednesday, March 27, 2024 5:42 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; sjohnson@earthjustice.org; sgoho@catf.us; jwalke@nrdc.org
Cc: Peterson, Erica <EPeterson@hunton.com>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Nate Curtisi <ncurtisi@azchamber.com>; Amber Ahmed <Amber.Ahmed@oag.texas.gov>; Clayton Smith <Clayton.Smith@oag.texas.gov>; Abrahamson, Jacob (KYOAG) <jacob.abrahamson@ky.gov>; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>
Subject: [EXTERNAL] PM2.5 -- deferred appendix / briefing schedule

Dear Sarah, Seth, Shaun, and John:

I represent the trade association petitioners in DC Circuit case no. 24-1051, one of the consolidated cases challenging the PM2.5 reconsideration. With our deadline for initial filings approaching (next Friday, April 5), I am writing to get your clients' views on two requests.

First, we would like to use a deferred appendix in this matter. May we represent that all parties agree?

Second, we and at least some of the other petitioners are still deciding whether to seek a stay. But we are also considering in the alternative moving the court for a reasonably expeditious schedule. We thought it worth exploring whether your clients would be open to agreeing to such a schedule, which could save everyone a lot of motions practice.

We'd appreciate your reactions to both of these points by COB Friday, particularly so that we can determine whether there might be an agreement to be struck on point two. The schedule (and format) that petitioners have discussed is below. Briefing does not start until June 4 in recognition of the fact that the statutory window for petitions does not technically close until May 6.

Thanks,
Elbert

Administrative Record: April 16, 2024

Petitioners' Opening Briefs (one brief for state petitioners and one for all other petitioners, each not to exceed 13,000 words): June 4, 2024

Briefs of Intervenors or *Amici* in Support of Petitioners: June 18, 2024

Respondents' Brief (not to exceed _____ words): July 19, 2024

Briefs of Intervenors or *Amici* in Support of Respondents: August 2, 2024

Petitioners' Reply Briefs (one for state petitioners and one for all other petitioners, each not to exceed 6500 words): August 16, 2024

Deferred Appendix: August 27, 2024

Final Briefs: September 3, 2024

Elbert Lin
Hunton Andrews Kurth LLP
804.788.7202
202.955.1548

Appointment

From: Rivera, Keylin [Rivera.Keylin@epa.gov]
Sent: 4/5/2024 3:20:36 PM
To: Rivera, Keylin [Rivera.Keylin@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Niebling, William (he/him/his) [Niebling.William@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Watkins, Nealson [Watkins.Nealson@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Keller, Peter [keller.peter@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Evangelista, Mark [Evangelista.Mark@epa.gov]; Smith, Jason [Smith.Jason@epa.gov]; Taft, Sarah (she/her/hers) [Taft.Sarah@epa.gov]; Toney, Anthony [Toney.Anthony@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; sgardner@ky.gov; Minix, Coulter C (Gov Office) [coulter.minix@ky.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]
CC: Gill, Sonam [Gill.Sonam@epa.gov]; Magallanes, Evan [Magallanes.Evan@epa.gov]; Nicholson, John [Nicholson.John@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]
BCC: R04ATL-RABOARDROOM-14T63 [R04ATL-RABOARDROOM-14T63@epa.gov]

Subject: Kentucky's Energy and Environment Cabinet x U.S. EPA
Location: Microsoft Teams Meeting

Start: 4/23/2024 8:00:00 PM
End: 4/23/2024 8:30:00 PM
Show Time As: Busy

Required Attendees: Rivera, Keylin; Lucey, John; Carbonell, Tomas; Niebling, William (he/him/his); Dunkins, Robin; Watkins, Nealson; Palma, Elizabeth; Scott, Denise; Leith, Andrew; Senter, Stephen; Keller, Peter; Brashear, Angelina (she/her/hers); Evangelista, Mark; Smith, Jason; Taft, Sarah (she/her/hers); Toney, Anthony; Vijayan, Abi; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Durch, Kyle; sgardner@ky.gov; Minix, Coulter C (Gov Office); Kornylak, Vera S.
Optional Attendees: Gill, Sonam; Magallanes, Evan; Nicholson, John; Gettle, Jeaneanne

Subj: Kentucky's Energy and Environment Cabinet (EEC) are excited and appreciative of the opportunity to connect about PM2.5 NAAQS.

External Participants:
Barry Mayfield, OLIA Director
Rebecca Goodman, EEC Secretary
John Lyons, EEC Deputy Secretary
Joe Newberg, EEC General Counsel
Tony Hatton, DEP Commissioner
Amanda LeFevre, DEP Deputy Commissioner
Michael Kennedy, DAQ Director
Travis Mayo, Governor's Office Deputy General Counsel

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

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.

Appointment

From: Mocka, Corey [mocka.corey@epa.gov]
Sent: 4/22/2024 12:40:15 PM
To: Mocka, Corey [mocka.corey@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Hemby, James [Hemby.James@epa.gov]; Gantt, Brett [Gantt.Brett@epa.gov]; Hanley, Tim [Hanley.Tim@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Benedict, Kristen [Benedict.Kristen@epa.gov]; Mintz, David [Mintz.David@epa.gov]; Vanderpool, Robert [Vanderpool.Robert@epa.gov]
CC: Brown, Kelly [Brown.Kelly@epa.gov]; Dickerson, Phil [Dickerson.Phil@epa.gov]; Kaufman, Luke (he/him/his) [Kaufman.Luke@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Drukenbrod, Josh [Drukenbrod.Josh@epa.gov]

Subject: T640/x Data Alignment Roll Out
Attachments: 4.22.24 AQS Air Monitor Update DRAFT comms plan.docx
Location: Microsoft Teams Meeting

Start: 4/22/2024 6:00:00 PM
End: 4/22/2024 6:30:00 PM
Show Time As: Tentative

Required Attendees: Mocka, Corey; Wayland, Richard; Hemby, James; Gantt, Brett; Hanley, Tim; Cortelyou-Lee, Jan; Benedict, Kristen; Mintz, David; Vanderpool, Robert
Optional Attendees: Brown, Kelly; Dickerson, Phil; Kaufman, Luke (he/him/his); Kornylak, Vera S.; Palma, Elizabeth; Mataway-Novak, Dylan (he/him/his); Senter, Stephen; Scott, Denise; Leith, Andrew; Vijayan, Abi; Miller, Meredith; Drukenbrod, Josh

Just FYI, I have a doc appt. today at 1:30p so will probably miss this meeting. I hope they got AQS sorted over the weekend!

-----Original Appointment-----
From: Mocka, Corey <mocka.corey@epa.gov>
Sent: Monday, April 22, 2024 8:40 AM
To: Mocka, Corey; Mocka, Corey; Wayland, Richard; Hemby, James; Gantt, Brett; Hanley, Tim; Cortelyou-Lee, Jan; Benedict, Kristen; Mintz, David; Vanderpool, Robert
Cc: Brown, Kelly; Dickerson, Phil; Kaufman, Luke (he/him/his); Kornylak, Vera S.; Palma, Elizabeth; Mataway-Novak, Dylan (he/him/his); Senter, Stephen; Scott, Denise; Leith, Andrew; Vijayan, Abi; Miller, Meredith
Subject: T640/x Data Alignment Roll Out
When: Monday, April 22, 2024 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Ex. 5 AC/DP

Including AQPD for awareness.

Microsoft Teams Need help?

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Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Appointment

From: McKinley, Gobeail [McKinley.Gobeail@epa.gov]
Sent: 5/1/2024 6:38:24 PM
To: McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]
CC: Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]

Subject: EEs for monitors w/o exceedance of the NAAQS
Location: Microsoft Teams Meeting

Start: 5/7/2024 3:30:00 PM
End: 5/7/2024 4:00:00 PM
Show Time As: Busy

Required Attendees: Pettit, Elizabeth (Libby); Palma, Elizabeth
Optional Attendees: Deabler, Gabrielle; Perez Ortiz, Yasmin; Vijayan, Abi; Simon, Heather

---

Microsoft Teams Need help?

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Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, April 26, 2024 12:54 PM
To: Palma, Elizabeth <Palma.Elizabeth@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Cc: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hi Gobeail and Beth,

Thanks for your patience while I looked into this and conferred with Yasmín and Abi. I've provided my thought process below, and of course let me know if it would be easiest to talk this through. But to cut to the chase, Ex. 5 Attorney Client (AC)

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

If it would be helpful to set up a meeting to discuss further, please let me know.

Thanks!

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Sent: Friday, April 19, 2024 4:10 PM
To: McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

No additional info, **Ex. 5 Attorney Client (AC)**
Ex. 5 Attorney Client (AC)
Beth

Beth W. Palma
Geographic Strategies Group
USEPA Office of Air Quality Planning and Standards
109 TW Alexander Drive (C539-04)
Research Triangle Park, NC 27711
palma.elizabeth@epa.gov
919.541.5432 (work)
984.209.2717 (EPA cell)

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Controlled by U.S. Environmental Protection Agency

From: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Thursday, April 18, 2024 3:27 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Subject: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hi Libby,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Beth or Gabrielle – Please add any information that I may have missed or may not be aware of.

Thanks,
Gobeail McKinley
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Air Quality Policy Division | Geographic Strategies Group | RTP, NC 27709
(919) 541-5246 | mckinley.gobeail@epa.gov
AFGE Local 3347 Vice President OAQPS

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Tuesday, April 16, 2024 2:11 PM
To: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Subject: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hey Gobeail,

Thought I'd continue our conversation here to mark it as legal privilege.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP If it would be easier to talk this through over a call, happy to set something up. I'm a bit slammed right now, but hoping to find more time next week where I could think through this more.

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

Appointment

From: Spann, Jane [Spann.Jane@epa.gov]
Sent: 6/3/2024 7:35:24 PM
To: Spann, Jane [Spann.Jane@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Lusky, Katy [Lusky.Kathleen@epa.gov]; Myers, Dianna (she/her/hers) [Myers.Dianna@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Palmer, Darren [Palmer.Darren@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Adams, Evan (he/him/his) [adams.evan@epa.gov]; Howard, Chris [Howard.Chris@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
CC: Gillam, Rick [Gillam.Rick@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]

Subject: NOI Regarding Louisville KY Ozone Area
Attachments: NOI Louisiville Redesignation FINAL.pdf
Location: Microsoft Teams Meeting

Start: 6/17/2024 1:00:00 PM
End: 6/17/2024 1:30:00 PM
Show Time As: Busy

Required Attendees: Spann, Jane; Walther, Katherine; Jarvis, Simone (she/her/hers); Freund, Weston (he/him/his); Lusky, Katy; Myers, Dianna (she/her/hers); Triplett, Eric; Palmer, Darren; Mataway-Novak, Dylan (he/him/his); Patulski, Meg; Ting, Kaytrue; Lingard, Robert (he/him/his); Adams, Evan (he/him/his); Howard, Chris; LaRocca, Sarah; Svingen, Eric
Optional Attendees: Gillam, Rick; Lowder, Erin (she/her/hers); Winkelmann, Joe (Joseph); Letterly, Aaron; Vijayan, Abi; Perez Ortiz, Yasmin; Kapichak, Rudolph; Leffert, Kaitlyn (she/her/hers)

Agenda

Introductions/Purpose of the Call
Background
NOI
Region 4's Current Position
1) Exceptional Events review.
2) Moderate and Serious NA SIPs

Please let me know if this time doesn't work for you.
Also, please forward to those in your respective offices that you would like to include.

Thank you.
Jane

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 8/8/2024 3:39:05 PM
To: Simcox, Alison [simcox.alison@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Taveras, Fausto (he/him/his) [Taveras.Fausto@epa.gov]; Adams, Evan (he/him/his) [adams.evan@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Avey, Lance [Avey.Lance@epa.gov]; Bailey, Ashten [Bailey.Ashten@epa.gov]; Bean, Clayton (he/him/his) [bean.clayton@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Biton, Leiran (he/him/his) [biton.leiran@epa.gov]; Bohning, Scott [Bohning.Scott@epa.gov]; Bowker, George [Bowker.George@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Castro, Marina (she/her/hers) [Castro.Marina@epa.gov]; Chen, Alexander [Chen.Alex@epa.gov]; Chi, John [Chi.John@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Clark, Adam [Clark.Adam@epa.gov]; Cobb, Brandon [cobb.brandon@epa.gov]; Cohen, Michael [Cohen.Michael@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]; Creilson, John [Creilson.John@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Davidson, Olivia (she/her/hers) [Davidson.Olivia@epa.gov]; Dejong, Holly [Dejong.Holly@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Doolan, Stephanie [Doolan.Stephanie@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Fernandez, Cristina (she/her/hers) [Fernandez.Cristina@epa.gov]; Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]; Fisher, Brian [Fisher.Brian@epa.gov]; Fortin, Kelly [Fortin.Kelly@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Garcia, Ariel [Garcia.Ariel@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; Graham, AshleyR (she/her/hers) [Graham.AshleyR@epa.gov]; Greene, Cynthia (she/her/hers) [Greene.Cynthia@epa.gov]; Haeuber, Richard [Haeuber.Richard@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Hamjian, Lynne (she/her/hers) [Hamjian.Lynne@epa.gov]; Hawkins, Andy [hawkins.andy@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Huser, Jennifer [Huser.Jennifer@epa.gov]; Jay, Michael [Jay.Michael@epa.gov]; Kay, Rynda (she/her/hers) [Kay.Rynda@epa.gov]; Keas, Ashley [keas.ashley@epa.gov]; Kelly, ThomasP [Kelly.ThomasP@epa.gov]; Kemp, Lachala [Kemp.Lachala@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Kuhns, Jason [Kuhns.Jason@epa.gov]; LaCount, Melanie [LaCount.Melanie@epa.gov]; Langdon, Robin [Langdon.Robin@epa.gov]; Lau, Gavin (he/him/his) [Lau.Gavin@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Lifland, David [Lifland.David@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Lohrke, Gregory [lohrke.gregory@epa.gov]; Mackintosh, David [Mackintosh.David@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]; Mark, Jeremy [Mark.Jeremy@epa.gov]; Travia, Donna [Travia.Donna@epa.gov]; Matichuk, Rebecca [Matichuk.Rebecca@epa.gov]; Mays, Rory [Mays.Rory@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; McWilliams, Anne K. [mcwilliams.anne@epa.gov]; Medina, Dayana [Medina.Dayana@epa.gov]; Mercado, Edgar [Mercado.Edgar@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Murray, Beth [Murray.Beth@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Pepple, Karl [Pepple.Karl@epa.gov]; Perez, Idalia (she/her/hers) [Perez.Idalia@epa.gov]; Pitre, Randy [Pitre.Randy@epa.gov]; Possiel, Norm (he/him/his) [Possiel.Norm@epa.gov]; Powers, Garrett (he/him/his) [Powers.Garrett@epa.gov]; Prentice, Amanda [Prentice.Amanda@epa.gov]; Rennie, Gary [Rennie.Gary@epa.gov]; Rogan, John (he/him/his) [Rogan.John@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Rucki, Thomas [Rucki.Thomas@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Scofield, Steven [Scofield.Steve@epa.gov]; Selbst, Elizabeth [selbst.elizabeth@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Snyder, Erik [snyder.erik@epa.gov]; Sorrels, Larry [Sorrels.Larry@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Stein, Joseph (he/him/his) [stein.joseph@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Stone, William [stone.william@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Talley, David [Talley.David@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Timin, Brian [Timin.Brian@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tonnesen, Gail [Tonnesen.Gail@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Uher, Thomas (he/him/his) [uher.thomas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vit, Wendy (she/her/hers) [Vit.Wendy@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Vargas, Ricardito [vargas.ricardito@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; Lundequam, Megan [Lundequam.Megan@epa.gov]; Shelton, Stacy (she/her/hers) [Shelton.Stacy@epa.gov]; O'Shea,

	Michael [OShea.Michael@epa.gov]; Ledezma, Andrew (he/him/his) [Ledezma.Andrew@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]; Bloemer, Matthew [Bloemer.Matthew@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Sofka, Gwyndolyn (she/her/hers) [Sofka.Gwyndolyn@epa.gov]; Meyer, Jonathan [Meyer.Jonathan@epa.gov]; Rutherford, Robert [Rutherford.Robert@epa.gov]; Lillis, Patrick [Lillis.Patrick@epa.gov]; Fradkin, Kenneth [Fradkin.Kenneth@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]
CC:	Durch, Kyle [Durch.Kyle@epa.gov]; Corcoran, Katherine (she/her/hers) [Corcoran.Katherine@epa.gov]; Sears, Owen (he/him/his) [Sears.Owen@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; DeLay, Robert [Delay.Robert@epa.gov]; Dunn, Michael [dunn.michael@epa.gov]
Subject:	Monthly Transport SIP Workgroup Call - agenda attached
Attachments:	2024_August-8-Transport Call Agenda.docx
Location:	Microsoft Teams Meeting
Start:	8/8/2024 6:00:00 PM
End:	8/8/2024 7:00:00 PM
Show Time As:	Tentative
Recurrence:	Monthly the second Thursday of every 1 month(s) from 2:00 PM to 3:00 PM
Required Attendees:	Hall, Kristin; Schmitt, Ellen (she/her/hers); Taveras, Fausto (he/him/his); Adams, Evan (he/him/his); Arra, Sarah (she/her/hers); Avey, Lance; Bailey, Ashten; Bean, Clayton (he/him/his); Benjamin, Lynorae; Biton, Leiran (he/him/his); Bohning, Scott; Bowker, George; Bradley, Twunjala; Castro, Marina (she/her/hers); Chen, Alexander; Chi, John; Christenson, Kara (she/her/hers); Clark, Adam; Cobb, Brandon; Cohen, Michael; Conrad, Daniel; Creilson, John; D'Agostino, Kathleen; Davidson, Olivia (she/her/hers); Dejong, Holly; Donaldson, Guy; Doolan, Stephanie; Feldman, Michael; Fernandez, Cristina (she/her/hers); Ferreira, Nicholas (he/him/his); Fisher, Brian; Fortin, Kelly; Gallagher, Shirin; Gallegos, Jacob; Garcia, Ariel; Goold, Megan (she/her/hers); Graham, AshleyR (she/her/hers); Greene, Cynthia (she/her/hers); Haeuber, Richard; Hambright, Rosemary; Hamjian, Lynne (she/her/hers); Hawkins, Andy; HertzWu, Sara; Hoffman, Howard; Huey, Joel; Hunt, Jeff; Huser, Jennifer; Jay, Michael; Kay, Rynda (she/her/hers); Keas, Ashley; Kelly, ThomasP; Kemp, Lachala; Kerr, Hali (she/her/hers); Kuhns, Jason; Lacount, Melanie; Langdon, Robin; Lau, Gavin (he/him/his); Lee, Andrew; Leers, Ben (he/him/his); Lifland, David; Lingard, Robert (he/him/his); Lohrke, Gregory; Mackintosh, David; Magee, Melanie; Mark, Jeremy; Mastro, Donna; Matichuk, Rebecca; Mays, Rory; McConnell, Robert; McHale, Mary; McKinley, Gobeail; McWilliams, Anne K.; Medina, Dayana; Mercado, Edgar; Mocka, Corey; Murray, Beth; Nann, Barbara; Palma, Elizabeth; Parke, Nicolas; Pepple, Karl; Perez, Idalia (she/her/hers); Pitre, Randy; Possiel, Norm (he/him/his); Powers, Garrett (he/him/his); Prentice, Amanda; Rennie, Gary; Rogan, John (he/him/his); Ruan-Lei, Karolina; Rucki, Thomas; Salem, Nevine; Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Scofield, Steven; Selbst, Elizabeth; Smith, Noah; Snyder, Erik; Sorrels, Larry; Spann, Jane; Spenillo, Justin; Stein, Joseph (he/him/his); Stenhouse, Jeb; Stone, William; Svingen, Eric; Talley, David; Thrift, Mike; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Triplett, Eric; Uher, Thomas (he/him/his); Vijayan, Abi; Villatora, Liliana; Vit, Wendy (she/her/hers); Walther, Katherine; Wells, Benjamin; Wieber, Kirk; Wilcox, Geoffrey; Wiley, Adina; Wong, Richard; Hong, Jeanhee; Ruvo, Richard (he/him/his); Vargas, Ricardito; Vaupel, Claudia; Thomas, Ronald; Lundequam, Megan; Shelton, Stacy (she/her/hers); O'Shea, Michael; Ledezma, Andrew (he/him/his); Wortman, Eric (he/him/his); Bloemer, Matthew; Stephens, Ryan; Dru, Jacobine (she/her/hers); Leith, Andrew; Sofka, Gwyndolyn (she/her/hers); Meyer, Jonathan; Rutherford, Robert; Lillis, Patrick; Fradkin, Kenneth; Kosin, Michele
Optional Attendees:	Durch, Kyle; Corcoran, Katherine (she/her/hers); Sears, Owen (he/him/his); Snyder, Doug; DeLay, Robert; Dunn, Michael

Attached is today's agenda. Please let me know if you want to add any items.

Also, please let me know if you want to add/delete anyone from the invitation list.

Thanks.
Alison

Alison C. Simcox, PhD
Environmental Scientist/Engineer

US EPA Region 1
Air Quality Branch
Air and Radiation Division

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Appointment

From: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Sent: 8/8/2024 1:47:36 PM
To: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
CC: Doster, Brian [Doster.Brian@epa.gov]; King, Rochelle (she/her/hers) [King.Rochelle@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]

Subject: OGC/OAQPS 110(l) Discussion
Attachments: SIP 110(l) Training Presentation 2024.pptx
Location: Microsoft Teams Meeting

Start: 8/20/2024 5:00:00 PM
End: 8/20/2024 6:00:00 PM
Show Time As: Busy

Required Attendees: Mataway-Novak, Dylan (he/him/his); Palma, Elizabeth; Pettit, Elizabeth (Libby); Vijayan, Abi; Smith, Isabella; Seidman, Emily
Optional Attendees: Doster, Brian; King, Rochelle (she/her/hers); Senter, Stephen

Hi All, 110(l) seems to be popping up more and more in SIP actions (and even some FIPs) so we thought we'd convene to discuss 110(l) legal and policy considerations. I realize this time doesn't work for all, but this was as good as I could get it in 3 weeks (as best I could tell).

Here's a brief agenda to guide our discussion:

(1) Basic reminder about 110(l) (see attached presentation which I understand may be a work in progress but I still thought it was useful)
(2) Recent developments in 110(l)
a. Application in context of disapproval
b. Application in context of FIP
c. Impacts of *Loper Bright*
(3) Moving forward & coordination on 110(l) issues as they arise between OAQPS + OGC
(4) Connecting with the regions on 110(l)

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Ex. 6 Personal Privacy (PP) United States, Raleigh

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

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More info

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Appointment

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 8/9/2024 5:21:33 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Brown, Lucy E. (ENRD) [lucy.e.brown@usdoj.gov]; Littleton, Matthew (ENRD) [Matthew.Littleton@usdoj.gov]; Maxwell, Gus (ENRD) [Gustavus.Maxwell@usdoj.gov]; Pinkston, Daniel (ENRD) [Daniel.Pinkston@usdoj.gov]
CC: Rogers, Cherie (ENRD) [Cherie.Rogers@usdoj.gov]; Baskett, Jhana L (ENRD) [Jhana.L.Baskett@usdoj.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Berry, Laura [berry.laura@epa.gov]

Subject: Moot Court: Coalition for Biological Diversity v. EPA (10th Cir.) (challenge to partial approval of Denver ozone SIP)
Attachments: DN 010111010783 CBD Corrected Opening Brief.pdf; DN 010110999173 EPA Response Brief.pdf; DN

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

	010111015402 Colorado Response Brief.pdf; DN 010111026572 CBD Reply Brief.pdf
Location:	Microsoft Teams Meeting
Start:	9/18/2024 7:00:00 PM
End:	9/18/2024 9:00:00 PM
Show Time As:	Busy
Recurrence:	(none)

I am adding copies of the briefs to this moot court invitation

---

This is to schedule a moot court in this case, which is scheduled to be argued on September 24 in Denver. We will circulate the briefs as we get closer to the date.

Lucy – please forward to appropriate folks at EPA.

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For organizers: Meeting options | Reset dial-in PIN

Appointment

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 9/5/2024 1:47:15 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Gerstenberger, Erika [Gerstenberger.Erika@epa.gov]

Subject: Leftover SIP Elements Litigation
Attachments: US_DIS_CAND_3_22cv3309_d447862942e1590_ORDER_by_Judge_Richard_Seeborg_Granting_35_Motion_.pdf; US_DIS_CAND_3_22cv3309_d208587875e1908_MOTION_to_Enforce_Judgment_filed_by_Center_for_Bio.pdf; CBD v. Regan - Opposition to Motion to Enforce CD (ECF 50).pdf; US_DIS_CAND_3_22cv3309_d1338298161e2401_REPLY_re_49_MOTION_to_Enforce_Judgment_filed_byCen.pdf; CBD v. Regan 22-cv-3309 - Order Denying Motion to Enforce.pdf; CBD v. Regan Notice of Appeal.pdf; 2nd Ozone NSIP Round 3 NOI vfin.pdf
Location: Microsoft Teams Meeting

Start: 9/9/2024 7:30:00 PM
End: 9/9/2024 8:00:00 PM
Show Time As: Busy

Required Attendees: Vijayan, Abi; Gerstenberger, Erika

Attached are the main materials for the case (not all, but all of the details should be in One Docket).

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Appointment

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 10/17/2024 3:56:03 PM
To: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Compher, Michael (he/him/his) [compher.michael@epa.gov]; Lusky, Katy [Lusky.Kathleen@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]

Subject: Louisville (2015 O3) | CM triggering in split NAA
Attachments: RE: Heads Up on Louisville Ozone
Location: Microsoft Teams Meeting

Start: 10/28/2024 3:30:00 PM
End: 10/28/2024 4:00:00 PM
Show Time As: Busy

Required Attendees: Ling, Michael; Lowder, Erin (she/her/hers); Ting, Kaytrue; Perez Ortiz, Yasmin; Svingen, Eric; Freund, Weston (he/him/his); Spann, Jane; Simon, Heather; Wells, Benjamin
Optional Attendees: Leffert, Kaitlyn (she/her/hers); Kapichak, Rudolph; Patulski, Meg; Vijayan, Abi; Mataway-Novak, Dylan (he/him/his); Winkelmann, Joe (Joseph); Arra, Sarah (she/her/hers); Compher, Michael (he/him/his); Lusky, Katy; Benjamin, Lynorae; Walther, Katherine

10/28/24: attaching latest email thread for reference.

Ex. 5 AC/DP

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Message

From: Wells, Benjamin [Wells.Benjamin@epa.gov]
Sent: 10/17/2024 2:37:20 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]
Subject: RE: Heads Up on Louisville Ozone

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Ex. 5 AC/AWP/DP

Ben

Benjamin Wells, Statistician
US Environmental Protection Agency
Office of Air Quality Planning and Standards
919 - 541 - 7507

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From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Thursday, October 17, 2024 10:09 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

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Kaytrue

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, October 17, 2024 9:55 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with “cubby”)

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Thursday, October 17, 2024 8:24 AM
To: Simon, Heather <Simon.Heather@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Thanks Heather and Kaytrue – it gets even more interesting!

Ex. 5 AC/AWP/DP

I'm happy to give Regions 4 and 5 a heads-up that we're thinking about this, and see if they've been thinking about it too. I can arrange a HQ call to discuss in the near future. Please advise on participants.

FYI – I'm out starting midday today, returning Monday. Michael Ling is also returning next week.

Thanks,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Simon, Heather <Simon.Heather@epa.gov>
Sent: Wednesday, October 16, 2024 5:37 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Heather Simon, PhD
Air Quality Modeling Group
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 5:24 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Wednesday, October 16, 2024 4:07 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

Thanks,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 1:44 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

From: Ting, Kaytrue
Sent: Wednesday, October 16, 2024 12:53 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Thanks Bob for the additional updates. Given what you've included here, I agree with your recommendation and it might make sense to have Scott start teeing that idea up, if he has a call already scheduled with the R4 ADD today.

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Wednesday, October 16, 2024 12:34 PM
To: McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Good afternoon, all –

A few initial thoughts:

Ex. 5 AC/AWP/DP

Thanks,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Wednesday, October 16, 2024 12:26 PM
To: Patulski, Meg <patulski.meg@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Hi,

Ex. 5 AC/AWP/DP

Thanks,
Gobeail McKinley

U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Air Quality Policy Division | Geographic Strategies Group | RTP, NC 27709
(919) 541-5246 | mckinley.gobeail@epa.gov
AFGE Local 3347 Vice President OAQPS

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Wednesday, October 16, 2024 11:33 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

I am not aware of Region 4 reaching out to OTAQ separately on this.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 10:46 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: Heads Up on Louisville Ozone

Hi all,

Ex. 5 AC/AWP/DP

Thanks,
Kaytrue

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Wednesday, October 16, 2024 9:35 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Fwd: Heads Up on Louisville Ozone

Sent from my iPhone

Begin forwarded message:

From: "Diaz, Denisse" <Diaz.Denisse@epa.gov>
Date: October 16, 2024 at 7:49:19 AM EDT
To: "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Nicholson, John" <Nicholson.John@epa.gov>, "Zapata, Cesar" <Zapata.Cesar@epa.gov>, "Jones, Erica (she/her/hers)" <Jones.Erica@epa.gov>, "Benjamin, Lynorae" <benjamin.lynorae@epa.gov>
Cc: "Benjamin, Lynorae" <benjamin.lynorae@epa.gov>, "Toney, Anthony" <Toney.Anthony@epa.gov>, "Palmer, Leif" <Palmer.Leif@epa.gov>, "Hansen, Susan" <Hansen.Susan@epa.gov>, "Nowell, Valerie" <Nowell.Valerie@epa.gov>, "Lusky, Katy" <Lusky.Kathleen@epa.gov>, "Sturdivant, Donnette" <Sturdivant.Donnette@epa.gov>
Subject: Heads Up on Louisville Ozone

Good morning Jeaneanne:

Ex. 5 AC/AWP/DP

Denisse

Appointment

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 10/30/2024 3:32:38 PM
To: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; St. Romain, Alexandra (ENRD) [Alexandra.St.Romain@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Orlin, David [Orlin.David@epa.gov]
CC: Smith, Tawana (ENRD) [Tawana.Smith@usdoj.gov]

Subject: Commonwealth of Kentucky v. EPA (PM NAAQS) - Moot Court
Attachments: State Intervenor Br..pdf; Enviro Intervenor Br..pdf; State Br.pdf; Industry Br..pdf; State Reply.pdf; Industry Reply Br..pdf; GAO Amicus Brief_24-1050_Documents.pdf
Location: HYBRID: 4.334 and; Microsoft Teams Meeting

Start: 12/12/2024 2:30:00 PM
End: 12/12/2024 4:45:00 PM
Show Time As: Busy

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

-----Original Appointment-----
From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, October 30, 2024 11:19 AM
To: Buckley, Sarah (ENRD); St. Romain, Alexandra (ENRD); O'Donnell, Jessica (ENRD); Hostetler, Eric (ENRD); Chen, Sue (ENRD); Lipshultz, Jon (ENRD); Orlin, David
Cc: Smith, Tawana (ENRD)

Subject: Commonwealth of Kentucky v. EPA (PM NAAQS) - Moot Court
When: Thursday, December 12, 2024 9:30 AM-11:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: HYBRID: 4.334 and; Microsoft Teams Meeting

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

This is to schedule a moot for the PM NAAQS argument, scheduled for December 16 in the D.C. Circuit. The briefs are attached.

Note we will have a hard stop at 11:45 to vacate the room for the EDS section meeting.

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Appointment

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 10/29/2024 5:52:52 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Littleton, Matthew (ENRD) [Matthew.Littleton@usdoj.gov]; Izfar, Sarah (ENRD) [Sarah.Izfar@usdoj.gov]
CC: Rogers, Cherie (ENRD) [Cherie.Rogers@usdoj.gov]; Baskett, Jhana L (ENRD) [Jhana.L.Baskett@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Thomason, Krista [Thomason.Krista@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Baker, Kirk [Baker.Kirk@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Higgins, Elliot (ENRD) [Elliot.Higgins@usdoj.gov]; Hinojos, Cameron (ENRD) [Cameron.Hinojos@usdoj.gov]

Subject: Moot Court: Sierra Club v. EPA (Detroit oxone redesignation) (6th Cir.)
Attachments: Petitioners Final Opening Brief.pdf; Petitioners Final Reply Brief.pdf; EPA Final Response Brief.pdf; Petitioners 28j Letter.pdf; EPA 28j Response.pdf; Amicus Brief.pdf
Location: Teams and 4CON 4.334

Start: 12/9/2024 8:00:00 PM

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

End:	12/9/2024 10:00:00 PM
Show Time As:	Busy
Recurrence:	(none)

Adding copies of the briefs

Oral argument in this matter has been calendared for December 13, and we are scheduling a moot court at this date and time.

Heather, please forward this invitation to those at EPA who may wish to attend and let me know if anyone from EPA would like to attend in person.

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Appointment

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 11/25/2024 9:32:45 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; James, Corin [James.Corin01@epa.gov]; Cecala, Ian [cecala.ian@epa.gov]; Gross, Louise C [gross.louise@epa.gov]
CC: Smith, Isabella [Smith.Isabella@epa.gov]

Subject: section 193/error corrections
Attachments: 01_2024_04_24 OH Trade Associations_Nuisance Rule Comment Letter.pdf
Location: Microsoft Teams Meeting

Start: 11/27/2024 6:00:00 PM
End: 11/27/2024 6:45:00 PM
Show Time As: Busy

Required Attendees: Pettit, Elizabeth (Libby); James, Corin; Cecala, Ian; Gross, Louise C
Optional Attendees: Smith, Isabella

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

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.

Appointment

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/3/2024 5:02:33 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]

Subject: O3R3 - RACT implementation deadline
Attachments: Sierra Club_EPA-HQ-OAR-2024-0333-0044.pdf
Location: Microsoft Teams Meeting

Start: 12/4/2024 3:00:00 PM
End: 12/4/2024 4:00:00 PM
Show Time As: Tentative

Required Attendees: Ting, Kaytrue; Lowder, Erin (she/her/hers); Lingard, Robert (he/him/his); Bianco, Karen; Mills, Derek
Optional Attendees: James, Corin; Vijayan, Abi; Mataway-Novak, Dylan (he/him/his); Ling, Michael; Oggeri, Francis (he/him/his)

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

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.

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 12/9/2024 2:56:17 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Do, Bebhinn (she/her/hers) [Do.Bebhinn@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Evangelista, Mark [Evangelista.Mark@epa.gov]; Gantt, Brett [Gantt.Brett@epa.gov]; Smith, Jason [Smith.Jason@epa.gov]; Hanley, Tim [Hanley.Tim@epa.gov]; Ward, Hillary [Ward.Hillary@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Hagan, Nicole [Hagan.Nicole@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Kumar, Anjali [Kumar.Anjali01@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Baublitz, Colleen (she/her/hers) [Baublitz.Colleen@epa.gov]; Rao, Venkatesh [Rao.Venkatesh@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]
CC: Smith, Pam [Smith.Pam@epa.gov]; Mozingo, Kristal [Mozingo.Kristal@epa.gov]; Orlin, David [Orlin.David@epa.gov]

Subject: 2024 PM Designations Overview, Continued
Attachments: OAQPS Meeting Request Tsirigotis_PM Designations.docx; 2024.12.05_1605_PM Designations Overview Briefing_Final.pptx
Location: Microsoft Teams Meeting; RTP-C401A-Max40/RTP-Bldg-C

Start: 12/12/2024 9:05:00 PM
End: 12/12/2024 10:00:00 PM
Show Time As: Busy

Required Attendees: Dunkins, Robin; Do, Bebhinn (she/her/hers); Mathias, Scott; Kornylak, Vera S.; Senter, Stephen; Brashear, Angelina (she/her/hers); Leith, Andrew; Scott, Denise; Wayland, Richard; Evangelista, Mark; Gantt, Brett; Smith, Jason; Hanley, Tim; Ward, Hillary; Cortelyou-Lee, Jan; Wesson, Karen; Hagan, Nicole; Srinivasan, Gautam; Vijayan, Abi; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Kumar, Anjali; Mataway-Novak, Dylan (he/him/his); Baublitz, Colleen (she/her/hers); Rao, Venkatesh; Mocka, Corey
Optional Attendees: Smith, Pam; Mozingo, Kristal; Orlin, David

---

Microsoft Teams Need help?

Join the meeting now

Ex. 5 AC/DP

Ex. 5 AC/DP

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.

Appointment

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 10/29/2024 7:13:49 PM
To: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Compher, Michael (he/him/his) [compher.michael@epa.gov]; Lusky, Katy [Lusky.Kathleen@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Frizzell, Gretchen [Frizzell.Gretchen@epa.gov]; Hasselbring, Delaney (she/her/hers) [Hasselbring.Delaney@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Potzler, Matthew [Potzler.Matthew@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]
BCC: R5Metcalfe-ConfRm-R1813A/R5-Metcalfe---18th-Floor [r5metcalfe-confrm-r1813a@epa.gov]

Subject: Louisville (2015 O3) | CMs in split NAA (continued)
Attachments: RE: Louisville (2015 O3) | CM triggering in split NAA
Location: Microsoft Teams Meeting; R5Metcalfe-ConfRm-R1813A/R5-Metcalfe---18th-Floor

Start: 1/22/2025 3:00:00 PM
End: 1/22/2025 3:30:00 PM
Show Time As: Busy

Required Attendees: Ling, Michael; Lowder, Erin (she/her/hers); Ting, Kaytrue; Perez Ortiz, Yasmin; Svingen, Eric; Freund, Weston (he/him/his); Spann, Jane; Simon, Heather; Wells, Benjamin; Arra, Sarah (she/her/hers)
Optional Attendees: Leffert, Kaitlyn (she/her/hers); Kapichak, Rudolph; Patulski, Meg; Vijayan, Abi; Mataway-Novak, Dylan (he/him/his); Winkelmann, Joe (Joseph); Compher, Michael (he/him/his); Lusky, Katy; Benjamin, Lynorae; Walther, Katherine; Gross, Louise C; Frizzell, Gretchen (she/her/hers); Hasselbring, Delaney (she/her/hers); Deabler, Gabrielle; McKinley, Gobeail; Potzler, Matthew; LaRocca, Sarah

Ex. 5 AC/DP

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

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Appointment

From: Hughes, Krista [hughes.krista@epa.gov]
Sent: 1/17/2025 6:54:16 PM
To: Hughes, Krista [hughes.krista@epa.gov]; Wendelowski, Karyn [wendelowski.karyn@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ford, Peter [Ford.Peter@epa.gov]; Cabrera, Natalia (she/her/hers) [Cabrera.Natalia@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Murphy, Taylor [Murphy.Taylor@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Versace, Paul [Versace.Paul@epa.gov]
CC: Wade, Alexis [Wade.Alexis@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]

Subject: Discuss Cert Petition - Port of Tacoma v. Puget Soundkeeper
Attachments: Puget Soundkeeper All. v. Port of Tacoma_104 F.4th 95.Pdf
Location: Microsoft Teams Meeting

Start: 1/22/2025 3:30:00 PM
End: 1/22/2025 4:30:00 PM
Show Time As: Busy

Required Attendees: Hughes, Krista; Wendelowski, Karyn; Lee, Michael (he/him/his); Vijayan, Abi; Ford, Peter; Cabrera, Natalia (she/her/hers); Wilson, Dane; Murphy, Taylor; Rodman, Sonja; Versace, Paul
Optional Attendees: Wade, Alexis; Wehling, Carrie; Kaczmarek, Chris; Williams, Melina

Hi All,

Ex. 5 AC/AWP/DP

There wasn't a time that worked for everyone but it looks like this time works for most of us.

Thank you,
Krista

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 1/28/2025 6:43:06 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Do, Bebhinn [Do.Bebhinn@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Dolwick, Pat [Dolwick.Pat@epa.gov]; Weatherhead, Darryl [Weatherhead.Darryl@epa.gov]; Ashley, Jackie [Ashley.Jackie@epa.gov]; Mataway-Novak, Dylan [Mataway-Novak.Dylan@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Houyoux, Marc [Houyoux.Marc@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Orlin, David [Orlin.David@epa.gov]
CC: Mozingo, Kristal [Mozingo.Kristal@epa.gov]; Palmer, Angela.D [Palmer.Angela.D@epa.gov]; Noonan, Jenny [Noonan.Jenny@epa.gov]

Subject: Background briefing on NAAQS: Review and Implementation of PM and Ozone, and Secondary Standards for SOx, NOx and PM
Attachments: 2025.01.28_OAQPS_MeetingRequest NAAQS Setting and Implementation .docx; 2025.02.03_1400_NAAQS Briefing-PM-Ozone-NOxSOxPM secondary_v2.pptx
Location: Microsoft Teams Meeting

Start: 2/3/2025 7:00:00 PM
End: 2/3/2025 8:00:00 PM
Show Time As: Busy

Required Attendees: Dunkins, Robin; Do, Bebhinn; Mathias, Scott; Kornylak, Vera S.; Sasser, Erika; Dolwick, Pat; Weatherhead, Darryl; Ashley, Jackie; Mataway-Novak, Dylan; Wesson, Karen; Houyoux, Marc; Srinivasan, Gautam; Vijayan, Abi; Orlin, David
Optional Attendees: Mozingo, Kristal; Palmer, Angela.D; Noonan, Jenny

Materials attached

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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.

Appointment

From: Feldman, Michael [Feldman.Michael@epa.gov]
Sent: 1/17/2025 3:53:28 PM
To: Feldman, Michael [Feldman.Michael@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Snyder, Erik [snyder.erik@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Bridgers, George (he/him/his) [Bridgers.George@epa.gov]; Fox, Tyler [Fox.Tyler@epa.gov]; Lawrence, Sydney [lawrence.sydney@epa.gov]; Williams, Danurius [Williams.Danurius@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]

Subject: Rusk-Panola SO2 NAA Final Action
Attachments: Jan 2025 RP RTC Options V3.docx; Luminant_comments.pdf; SC_comments.pdf; TCEQ_comments.pdf
Location: Microsoft Teams Meeting

Start: 1/30/2025 6:30:00 PM
End: 1/30/2025 7:30:00 PM
Show Time As: Busy

Required Attendees: Feldman, Michael; Thrift, Mike; Kerr, Hali (she/her/hers); Vargas, Aaron; Villegas, Brooke (she/her/hers); Lee, Andrew; Donaldson, Guy; Snyder, Erik; Thomas, Ronald; Brashear, Angelina (she/her/hers)
Optional Attendees: Vijayan, Abi; Schoellkopf, Lynde (she/her/hers); Mataway-Novak, Dylan (he/him/his); Smith, Isabella; Cesareo, Gianfranco (he/him/his); Hawes, Todd; Tillerson, Clint; Porter, Matthew; Nolbaum, Seth (he/him/his); Hong, Jeanhee; Bridgers, George (he/him/his); Fox, Tyler; Lawrence, Sydney; Williams, Danurius; Martinez, Michael

Also including comment letters
Attached is the briefing sheet that we developed to brief Guy. This covers the main issues we would like to discuss.

Rescheduling again due to OGC conflict.

Rescheduling due to OAQPS all-staff meeting

Please forward to anyone in OAQPS or OGC that should also be included.

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Appointment

From: Mathias, Scott [Mathias.Scott@epa.gov]
Sent: 1/28/2025 3:46:31 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; King, Rochelle [King.Rochelle@epa.gov]; Kormos, Andrew [Kormos.Andrew@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Bowen, Richard [Bowen.Richard@epa.gov]; Raps, Virginia [raps.virginia@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]

Subject: Prescribed Fires—General Conformity NPRM
Attachments: 2025-3-6 GC Rx Fires Brief NSRG Final v.3.0.docx
Location: Microsoft Teams Meeting

Start: 3/6/2025 5:30:00 PM
End: 3/6/2025 6:00:00 PM
Show Time As: Busy

Required Attendees: King, Rochelle; Kormos, Andrew; Brachtl, Megan; Smith, Isabella; Vijayan, Abi; Kornylak, Vera S.; Bowen, Richard; Raps, Virginia
Optional Attendees: Pettit, Elizabeth (Libby); Perez Ortiz, Yasmin

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

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: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 3/11/2024 9:22:59 PM
To: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Ex. 5 AC/AWP/DP

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

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 6:32 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Hi Gautam,

Ex. 5 AC/AWP/DP

Thanks for prompting us to probe a little more carefully, and hope you both enjoy the weekend!

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 8, 2024 2:17 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Ex. 5 AC/AWP/DP

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

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 2:07 AM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Mike,

Ex. 5 AC/AWP/DP

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

From: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Sent: Friday, March 1, 2024 2:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>;

Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Jeanhee,

Ex. 5 AC/AWP/DP

https://subscriber.politicopro.com/f/?id=0000018d-fad0-d962-a39f-fed4ea670000

Have a good weekend!

Mike

Michael G. Lee (he, him, his) | U.S. Environmental Protection Agency
Assistant General Counsel | Air and Radiation Law Office
Office of General Counsel | (202) 564-5486

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 1/31/2024 1:32:47 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order
Attachments: 4_23cv00148_Summary for Abi.docx

Good morning

Following your request for us to send a joint email explaining our cases, please see the attached document summarizing my case, Center for Biological Diversity, et al. v. Regan, No. 23-cv-00148 (N.D. Cal).

Ex. 5 AC/AWP

Thanks!

Yasmín Pérez Ortiz
Attorney-Advisor
Office of General Counsel | Air and Radiation Law Office ("ARLO")
U.S. Environmental Protection Agency
P: 202 564-1077

she/her/hers

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Wednesday, January 24, 2024 11:14 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Can do!

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, January 24, 2024 11:13 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

P.S. I know you both have a lot going on right now, so this can of course wait until next week **except**, **Libby,** please just go ahead and forward Alex's e-mail with the court order to OAQPS so they know it came out. Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Vijayan, Abi
Sent: Wednesday, January 24, 2024 9:10 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Ex. 5 AC/AWP

Finally, please upload your respective filings/orders into OneDocket! Once your cases have been formally dismissed, please also mark them as closed in OneDocket.

Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Vijayan, Abi
Sent: Wednesday, January 24, 2024 9:03 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Ex. 5 AC/AWP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, January 23, 2024 6:13 PM
To: Purpuro, Alexander (ENRD) <Alexander.Purpuro@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Cc: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>
Subject: RE: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order



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

Ex. 5 AC/AWP

From: Purpuro, Alexander (ENRD) <Alexander.Purpuro@usdoj.gov>
Sent: Tuesday, January 23, 2024 5:39 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Cc: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Subject: FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Hi everyone, so the Court has denied Plaintiffs' motion to enforce and Colorado's motion to intervene.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

I'll let you know if I hear anything from CBD regarding whether they intend to pursue this issue further.

Thanks again for all your work on this.

Alex

From: ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>
Sent: Tuesday, January 23, 2024 4:01 PM
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 1/23/2024 at 1:00 PM PST and filed on 1/23/2024

Case Name:	Center for Biological Diversity et al v. Regan
Case Number:	3:22-cv-03309-RS
Filer:	
Document Number:	59

Docket Text:
ORDER by Judge Seeborg Denying Motion to "Enforce" Consent Decree [49] and Motion to Intervene [51]. (rslc1, COURT STAFF) (Filed on 1/23/2024)

3:22-cv-03309-RS Notice has been electronically mailed to:

Alexander M. Purpuro alexander.purpuro@usdoj.gov, efile_eds.enrd@usdoj.gov

Benjamin Gillig ben.gillig@coag.gov, john.watson@coag.gov

Jonathan Carter Evans jevans@biologicaldiversity.org, ehp_docs@biologicaldiversity.org

Leslie M. Hill Leslie.Hill@usdoj.gov, EFILE_EDS.ENRD@USDOJ.GOV

Ryan Maher rmaher@biologicaldiversity.org, ehp_docs@biologicaldiversity.org

3:22-cv-03309-RS Please see Local Rule 5-5; Notice has NOT been electronically mailed to:

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

Document description: Main Document
Original filename:C:\fakepath\22-cv-03309-rs-deny_mt_to_enforce_.638410225800906755.pdf

Electronic document Stamp:
[STAMP CANDStamp_ID=977336130 [Date=1/23/2024] [FileNumber=20944536-0]
[4a844513cb845abc0f76d242a256aa6c4c2c503b715be3215f388d68d8b7af0d7b13
d13c50a1cc83ed0ee21080310000daaf7fed82ba84ceba0990964fa039d6]]

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 2/1/2024 6:58:32 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Hi Yasmín,

Thanks for drafting and sharing! I added my case summary to the SharePoint link below and would be interested in your review/thoughts before Abi reviews. If you'd like to talk through anything, just let me know.

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

4_23cv00148_Summary for Abi (1).docx

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, January 31, 2024 8:33 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Good morning 😊

Following your request for us to send a joint email explaining our cases, please see the attached document summarizing my case, Center for Biological Diversity, et al. v. Regan, No. 23-cv-00148 (N.D. Cal).

Ex. 5 AC/AWP

Thanks!

Yasmín Pérez Ortiz
Attorney-Advisor
Office of General Counsel | Air and Radiation Law Office ("ARLO")
U.S. Environmental Protection Agency
P: 202 564-1077

she/her/hers

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Wednesday, January 24, 2024 11:14 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Can do!

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, January 24, 2024 11:13 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

P.S. I know you both have a lot going on right now, so this can of course wait until next week **except**, **Libby,** please just go ahead and forward Alex's e-mail with the court order to OAQPS so they know it came out. Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Vijayan, Abi
Sent: Wednesday, January 24, 2024 9:10 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: follow up RE: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Ex. 5 AC/AWP

Finally, please upload your respective filings/orders into OneDocket! Once your cases have been formally dismissed, please also mark them as closed in OneDocket.

Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Vijayan, Abi
Sent: Wednesday, January 24, 2024 9:03 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Good news - congrats! FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Ex. 5 AC/AWP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, January 23, 2024 6:13 PM
To: Purpuro, Alexander (ENRD) <Alexander.Purpuro@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Cc: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>
Subject: RE: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

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Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Purpuro, Alexander (ENRD) <Alexander.Purpuro@usdoj.gov>
Sent: Tuesday, January 23, 2024 5:39 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Cc: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Subject: FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

Hi everyone, so the Court has denied Plaintiffs' motion to enforce and Colorado's motion to intervene.

Ex. 5 AC/AWP

I'll let you know if I hear anything from CBD regarding whether they intend to pursue this issue further.

Thanks again for all your work on this.

Alex

From: ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>
Sent: Tuesday, January 23, 2024 4:01 PM
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Order

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U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered on 1/23/2024 at 1:00 PM PST and filed on 1/23/2024

Case Name:	Center for Biological Diversity et al v. Regan
Case Number:	3:22-cv-03309-RS
Filer:	
Document Number:	59

Docket Text:
ORDER by Judge Seeborg Denying Motion to "Enforce" Consent Decree [49] and Motion to Intervene [51]. (rslc1, COURT STAFF) (Filed on 1/23/2024)

3:22-cv-03309-RS Notice has been electronically mailed to:

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Benjamin Gillig ben.gillig@coag.gov, john.watson@coag.gov

Jonathan Carter Evans jevans@biologicaldiversity.org, ehp_docs@biologicaldiversity.org

Leslie M. Hill Leslie.Hill@usdoj.gov, EFILE_EDS.ENRD@USDOJ.GOV

Ryan Maher rmaher@biologicaldiversity.org, ehp_docs@biologicaldiversity.org

3:22-cv-03309-RS Please see Local Rule 5-5; Notice has NOT been electronically mailed to:

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

Document description: Main Document
Original filename:C:\fakepath\22-cv-03309-rs-deny_mt_to_enforce_.638410225800906755.pdf
Electronic document Stamp:
[STAMP CANDStamp_ID=977336130 [Date=1/23/2024] [FileNumber=20944536-0]
[4a844513cb845abc0f76d242a256aa6c4c2c503b715be3215f388d68d8b7af0d7b13
d13c50a1cc83ed0ee21080310000daaf7fed82ba84ceba0990964fa039d6]]

Message

From: Regional Partnerships & Operations [RegionalOperations@epa.gov]
Sent: 2/2/2024 2:02:56 PM
To: Regional Partnerships & Operations [RegionalOperations@epa.gov]; Leadership_Regional_Administrators [Leadership_Regional_Administrators@epa.gov]; Non-Career Regional Chiefs of Staff [Non-Career_Regional_Chiefs_of_Staff@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Noonan, Jenny (she/her/hers) [Noonan.Jenny@epa.gov]; Deluca, Isabel [DeLuca.Isabel@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Millett, John [Millett.John@epa.gov]; Regional Public Affairs Directors [Regional_Public_Affairs_Directors@epa.gov]; Air Division Directors and Deputies [Air_Division_Directors_and_Deputies@epa.gov]
CC: Rupp, Mark (he/him/his) [Rupp.Mark@epa.gov]; Del Monico, Tim [DelMonico.Tim@epa.gov]; Lucey, John [Lucey.John.D@epa.gov]; Bailey, KevinJ (he/him/his) [Bailey.KevinJ@epa.gov]; McGuire, Karen [Mcguire.Karen@epa.gov]; Hoover, Zealan [Hoover.Zealan@epa.gov]; Nitsch, Chad [Nitsch.Chad@epa.gov]; Saddler, Melissa [Saddler.Melissa@epa.gov]; Ackerman, Stephanie (she/her/hers) [Ackerman.Stephanie@epa.gov]; Rivera, Keylin [Rivera.Keylin@epa.gov]; Becker, KC [Becker.KC@epa.gov]; Bauer, Tommy [Bauer.Tommy@epa.gov]; Gonzalez, Iris (she/her/hers) [Gonzalez.Iris@epa.gov]; Guzman, Martha [Guzman.Martha@epa.gov]; Shore, Debra (she/her/hers) [Shore.Debra@epa.gov]; Gong, Kevin (he/him/his) [Gong.Kevin@epa.gov]; Sixkiller, Casey [Sixkiller.Casey@epa.gov]; Watkins, Kelly [Watkins.Kelly@epa.gov]; Nance, Earthea [Nance.Earthea@epa.gov]; McCabe, Janet [McCabe.Janet@epa.gov]; Cortez Russell, Loni [Russell.Loni@epa.gov]; Carroll, Timothy [Carroll.Timothy@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Algoe Booke, Amy [AlgoeBooke.Amy@epa.gov]; Toney, Anthony [Toney.Anthony@epa.gov]; Clemons, Beth [Clemons.Beth@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Lee, Anita (she/her/hers) [Lee.Anita@epa.gov]; Singletary, DeAndre (he/him/his) [Singletary.DeAndre@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Viswanathan, Krishna [Viswanathan.Krishna@epa.gov]; Melanson, Kate [Melanson.Kate@epa.gov]; Alpern, Michael [Alpern.Michael@epa.gov]; Greene, Cynthia (she/her/hers) [Greene.Cynthia@epa.gov]; Carey, Curtis [Carey.Curtis@epa.gov]; Rumph, Mikayla (she/her/hers) [Rumph.Mikayla@epa.gov]; Taft, Sarah (she/her/hers) [Taft.Sarah@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Sandoval, Adrienne [Sandoval.Adrienne@epa.gov]; Garcia, Lisa [Garcia.Lisa@epa.gov]; Washburn, Ben [washburn.ben@epa.gov]; Byck, Sabina [Byck.Sabina@epa.gov]; Rodriguez, Elias [Rodriguez.Elias@epa.gov]
Subject: RE: RA Engagement: PM NAAQS – Heads up Briefing
Attachments: 2023 PM NAAQS Final - Overview Presentation - RA version.pptx; PM NAAQS Comms Plan .docx; PM NAAQS - Map - Most Counties with Monitors already meet strengthened standard - 2022-22 data_V2.pptx; PM NAAQS - Map - 2032 projection (002).pptx; PM NAAQS - Overview 1-26-2024.docx; Cheat Sheet For Internal Use Only.xlsx

RAs, RCOS, ADDs, and PADs,

Please see the attached materials for today's PM NAAQS briefing.

-----Original Appointment-----
From: Ackerman, Stephanie (she/her/hers) **On Behalf Of** Regional Partnerships & Operations
Sent: Friday, December 1, 2023 3:35 PM
To: Regional Partnerships & Operations; Leadership_Regional_Administrators; Non-Career Regional Chiefs of Staff; Goffman, Joseph; Carbonell, Tomas; Tsirigotis, Peter; Sasser, Erika; Wayland, Richard; Noonan, Jenny (she/her/hers); Deluca, Isabel; Vijayan, Abi; Orlin, David; Millett, John; Regional Public Affairs Directors; Air Division Directors and Deputies
Cc: Rupp, Mark (he/him/his); Del Monico, Tim; Lucey, John; Bailey, KevinJ (he/him/his); McGuire, Karen; Hoover, Zealan; Nitsch, Chad; Melissa Saddler; Ackerman, Stephanie (she/her/hers); Rivera, Keylin; Becker, KC; Bauer, Tommy; Gonzalez, Iris (she/her/hers); Guzman, Martha; Shore, Debra (she/her/hers); Gong, Kevin (he/him/his); Sixkiller, Casey; Watkins, Kelly; Nance, Earthea; McCabe, Janet; Cortez Russell, Loni; Carroll, Timothy; Fernandez, Cristina; Algoe Booke, Amy; Toney, Anthony; Clemons, Beth; Ruvo, Richard (he/him/his); Mears, Mary; Lee, Anita (she/her/hers); Singletary, DeAndre (he/him/his); Feldman, Michael; Viswanathan, Krishna; Melanson, Kate; Alpern, Michael; Greene, Cynthia

(she/her/hers); Carey, Curtis; Rumph, Mikayla (she/her/hers); Taft, Sarah (she/her/hers); Bonifacino, Gina; Sandoval, Adrienne; Garcia, Lisa; Washburn, Ben; Byck, Sabina; Rodriguez, Elias
Subject: RA Engagement: PM NAAQS – Heads up Briefing
When: Friday, February 2, 2024 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Includes PADs and ADDs

Microsoft Teams meeting

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Message

From: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]
Sent: 2/2/2024 7:40:10 PM
To: Williams, Melina [Williams.Melina@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Flanagan, Devon (ENRD) [Devon.Flanagan@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Subject: FW: 21-1028 State of New York, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (EPA-85FR87256)
Attachments: O3 NAAQS Order Granting Remand.pdf

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

Some good news to start the weekend: the court granted our motion for remand w/o vacatur of the 2020 Ozone NAAQS decision. Order attached.

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Friday, February 2, 2024 2:37 PM
To: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>
Subject: 21-1028 State of New York, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (EPA-85FR87256)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 02/02/2024 at 2:35:27 PM Eastern Standard Time and filed on 02/02/2024

Case Name:	State of New York, et al v. EPA, et al
Case Number:	21-1028
Document(s):	Document(s)

Docket Text:
PER CURIAM ORDER [2038660] filed ORDERED that the motion to remand case [2034337-2] be granted and that this case be remanded to the Environmental Protection Agency for further proceedings. The Clerk is directed to issue the mandate forthwith. Before Judges: Katsas, Rao and Garcia. [21-1028, 21-1060, 21-1073]

Notice will be electronically mailed to:

Mr. James Robert Bieke, Attorney: jbieke@sidley.com, dcefilingnotice@sidley.com, james-bieke-8841@ecf.pacerpro.com
Samuel B. Boxerman: sboxerman@sidley.com, dcefilingnotice@sidley.com, samuel-boxerman-5506@ecf.pacerpro.com
Mr. Nicholas J. Bronni, Deputy Solicitor General: nicholas.bronni@arkansasag.gov
Marvin C. Brown, IV: mcbrown@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
Mrs. Alison Hoffman Carney: ahoffman@riag.ri.gov, mbedell@riag.ri.gov
Andrew Coghlan, Trial Attorney: andrew.coghlan@usdoj.gov, efile_eds.enrd@usdoj.gov
Caroline Cress, Assistant Attorney General: caroline.cress@atg.wa.gov, ecyolyef@atg.wa.gov, ruth.wilson@atg.wa.gov
Ms. Emily Kingsbury Davis, Attorney: edavis@nrdc.org, okeck@nrdc.org
Ms. Elizabeth Dubats: elizabeth.dubats@ilag.gov
Andrew Gerard Frank, Assistant Attorney General: andrew.frank@ag.ny.gov
Mr. Samuel Charles Freedlund: Samuel.Freedlund@ago.mo.gov, tammy.glenn@ago.mo.gov
Theodore Hadzi-Antich: tha@texaspolicy.com, ysimental@texaspolicy.com
Mr. Hayden Wong Hashimoto: hhashimoto@catf.us
Robert Henneke, Attorney: rhenneke@texaspolicy.com, ysimental@texaspolicy.com
Mr. Jerald Russell Hess: jhess@oag.state.va.us
Mr. Christopher C. Horner, Attorney: chris@chornerlaw.com
Mr. Dylan L. Jacobs, Assistant Solicitor General: dylan.jacobs@arkansasag.gov, brittany.garcia@arkansasag.gov
Seth L. Johnson: sjohnson@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
Ms. Ann R. Johnston, Sr. Deputy Attorney General: ajohnston@attorneygeneral.gov
Ms. Julia Erica Jonas-Day: julia.jonas-day@mass.gov, jjonasday@gmail.com
Melanie Kehne, Assistant Attorney General: melanie.kehne@vermont.gov
Christopher Gene King, Assistant Corporation Counsel: cking@law.nyc.gov
Jill Lacedonia, Assistant Attorney General: Jill.Lacedonia@ct.gov
Mr. Howard Learner, Attorney: hlearner@elpc.org, hvogel@elpc.org
Ryan Maher, Attorney: rmaher@biologicaldiversity.org, chp_docs@biologicaldiversity.org
Justin L. Matheny, Deputy Solicitor: justin.matheny@ago.ms.gov, fonda.hellen@ago.ms.gov
Ms. Lisa Jo Morelli: lisa.morelli@dol.lps.state.nj.us
Bradley Motl: motlbj@doj.state.wi.us, henrycj@doj.state.wi.us
Mrs. Elizabeth Baker Murrill, Assistant Attorney General: murrille@ag.louisiana.gov, nelsone@ag.louisiana.gov, ecfnotices@ag.louisiana.gov
Michael J. Myers, Assistant Attorney General: michael.myers@ag.ny.gov
Steven Novick: steve.novick@doj.state.or.us
Lanora Christine Pettit, Deputy Solicitor: lanora.pettit@oag.texas.gov, maria.williamson@oag.texas.gov, deborah.williams@oag.texas.gov
Jillian Riley: jillian.riley@mass.gov
Dean John Sauer, Attorney: John.Sauer@james-otis.com
Michael Benjamin Schon, Attorney: mike@lehotskykeller.com, mike-schon-2330@ecf.pacerpro.com
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Ariel E. Solaski, Attorney: asolaski@cbf.org, avanhouten@cbf.org
Elizabeth Song: Elizabeth.Song@doj.ca.gov
Mr. Judd E. Stone, II: judd@stonehilton.com
Peter Surdo, Special Assistant Attorney General: peter.surdo@ag.state.mn.us, jazmine.pitts-anderson@ag.state.mn.us
Caroline S. Van Zile, Deputy Solicitor General: caroline.vanzile@dc.gov, osg.civilintake@dc.gov
Mr. John DuVal Walke: jwalke@nrdc.org, edavis@nrdc.org, mavalos@nrdc.org

Mr. Claiborne Walthall, Assistant Attorney General: claiborne.walthall@ag.ny.gov, elizabeth.brody1@ag.ny.gov
Ms. Ann Brewster Weeks, Senior Counsel: aweeks@catf.us
Jonathan Andrew Wiener: jonathan.wiener@doj.ca.gov
Mr. Peter Michel Zalzal, Attorney: pzalzal@edf.org

The following document(s) are associated with this transaction:
Document Description: Document Sent
Original Filename: /opt/ACECF/live/forms/21-1028LDSD.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=02/02/2024] [FileNumber=2038660-0] [9529808610c721e7efcef24f747a101a9b7d565e5c2a9f95b6af981ac2c93961cf3cdcf448b8dfd9808cd745358808b3f607709a7ed2e646f667dfc4e6477efb]]
Recipients:

- Mr. James Robert Bieke, Attorney
- Samuel B. Boxerman
- Mr. Nicholas J. Bronni, Deputy Solicitor General
- Marvin C. Brown, IV
- Mrs. Alison Hoffman Carney
- Andrew Coghlan, Trial Attorney
- Caroline Cress, Assistant Attorney General
- Ms. Emily Kingsbury Davis, Attorney
- Ms. Elizabeth Dubats
- Andrew Gerard Frank, Assistant Attorney General
- Mr. Samuel Charles Freedlund
- Theodore Hadzi-Antich
- Mr. Hayden Wong Hashimoto
- Robert Henneke, Attorney
- Mr. Jerald Russell Hess
- Mr. Christopher C. Horner, Attorney
- Mr. Dylan L. Jacobs, Assistant Solicitor General
- Seth L. Johnson
- Ms. Ann R. Johnston, Sr. Deputy Attorney General
- Ms. Julia Erica Jonas-Day
- Melanie Kehne, Assistant Attorney General
- Christopher Gene King, Assistant Corporation Counsel
- Jill Lacedonia, Assistant Attorney General
- Mr. Howard Learner, Attorney
- Ryan Maher, Attorney
- Justin L. Matheny, Deputy Solicitor
- Ms. Lisa Jo Morelli

- Bradley Motl
- Mrs. Elizabeth Baker Murrill, Assistant Attorney General
- Michael J. Myers, Assistant Attorney General
- Steven Novick
- Lanora Christine Pettit, Deputy Solicitor
- Jillian Riley
- Dean John Sauer, Attorney
- Michael Benjamin Schon, Attorney
- Joshua Segal
- Ariel E. Solaski, Attorney
- Elizabeth Song
- Mr. Judd E. Stone, II
- Peter Surdo, Special Assistant Attorney General
- Caroline S. Van Zile, Deputy Solicitor General
- Mr. John DuVal Walke
- Mr. Claiborne Walthall, Assistant Attorney General
- Ms. Ann Brewster Weeks, Senior Counsel
- Jonathan Andrew Wiener
- Mr. Peter Michel Zalzal, Attorney

Message

From: Brown, Lucy E. (ENRD) [Lucy.E.Brown@usdoj.gov]
Sent: 2/5/2024 5:18:53 AM
To: Boydston, Michael [Boydston.Michael@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]
Subject: CBD v. EPA - Updated Brief
Attachments: DRAFT Denver SIP Brief 2.4.24.DOCX

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

All,

The attached draft of the brief incorporates Eric's edits. Please provide any big-picture comments by COB EST on Tuesday. There are also three discrete comments that I could use some help with flagged in the brief.

Ex. 5 AC/AWP

FYI—I'm going to be out of the office tomorrow (Monday) for a procedure.

Thanks,

Lucy E. Brown
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
(202) 598-1868

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 2/5/2024 8:14:44 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: SIGNED: Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (Tier 1; SAN 8635)
Attachments: 8635-02-OAR_RIN 2060-AV52_PM NAAQS NFRM 20240201_ADMIN.docx

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

From: Hagan, Nicole <Hagan.Nicole@epa.gov>
Sent: Monday, February 5, 2024 3:05 PM
To: Sasser, Erika <Sasser.Erika@epa.gov>; Dolwick, Pat <Dolwick.Pat@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: FW: SIGNED: Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (Tier 1; SAN 8635)

FYI. Don't know if I was supposed to share, but here it is!

Nicole A. Hagan, Ph.D.
U.S. Environmental Protection Agency
Environmental Health Scientist, OAR/OAQPS
Chief Steward, AFGE Local 3347
Phone: (919) 541-3153
Email: hagan.nicole@epa.gov

From: Weyer, Erica <weyer.erica@epa.gov>
Sent: Monday, February 5, 2024 3:03 PM
To: Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Cc: AO_Special_Assistants <AO_Special_Assistants@epa.gov>; Hooper, Daniel (he/him/his) <hooper.daniel@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Truesdell, Rod (he/him/his) <Truesdell.Rod@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Millett, John <Millett.John@epa.gov>; Wachter, Eric <Wachter.Eric@epa.gov>; Gaines, Cynthia <Gaines.Cynthia@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Widener, Charles (Chuck) <Widener.Charles@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Carter-Jenkins, Shakeba <Carter-Jenkins.Shakeba@epa.gov>; Hagan, Nicole <Hagan.Nicole@epa.gov>; Wesson, Karen <Wesson.Karen@epa.gov>; Chappell, Regina <Chappell.Regina@epa.gov>; Perlmutt, Lars <perlmutt.lars@epa.gov>; Petuya, Lauren <Petuya.Lauren@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>
Subject: SIGNED: Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (Tier 1; SAN 8635)

Good afternoon,

Please see the attached rule, *Reconsideration of the National Ambient Air Quality Standards for Particulate Matter*, which was signed by the Administrator today.

Thank you,
Erica Weyer (she/her)

Special Assistant for Air
Office of the Administrator
U.S. Environmental Protection Agency

Phone: 202-566-2793
Mobile: 202-579-5751

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 2/6/2024 10:45:51 PM
To: Patulski, Meg [patulski.meg@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: CBD v. EPA - Updated Brief

Ex. 5 AC/AWP

I appreciate the help on this one!

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

This email, including attachments, may contain confidential, deliberative, attorney-client, attorney work product, or otherwise privileged material. Do not not release this message under FOIA without appropriate review. If you are not an intended recipient, please delete all copies of this email, including attachments, and notify me by email or at (202) 564-3406.

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Tuesday, February 6, 2024 5:32 PM
To: Berry, Laura <berry.laura@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CBD v. EPA - Updated Brief

Ex. 5 AC/AWP

Thank you for all of your work here.

From: Berry, Laura <berry.laura@epa.gov>
Sent: Tuesday, February 6, 2024 1:23 PM
To: Williams, Melina <Williams.Melina@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Letterly, Aaron

<Letterly.Aaron@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CBD v. EPA - Updated Brief

Ex. 5 AC/AWP

Laura Berry
berry.laura@epa.gov
734-214-4858

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Tuesday, February 6, 2024 1:03 PM
To: Berry, Laura <berry.laura@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CBD v. EPA - Updated Brief

Ex. 5 AC/AWP

Also happy to chat if that would be useful!

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

This email, including attachments, may contain confidential, deliberative, attorney-client, attorney work product, or otherwise privileged material. Do not not release this message under FOIA without appropriate review. If you are not an intended recipient, please delete all copies of this email, including attachments, and notify me by email or at (202) 564-3406.

From: Berry, Laura <berry.laura@epa.gov>
Sent: Tuesday, February 6, 2024 11:10 AM
To: Williams, Melina <Williams.Melina@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CBD v. EPA - Updated Brief

Hi Melina,
We have some answers (and some questions) about your questions, which are in blue here.
Blue = Melina
Black = our reply

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Laura

Laura Berry
berry.laura@epa.gov
734-214-4858

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Monday, February 5, 2024 10:30 AM
To: Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: CBD v. EPA - Updated Brief

Hi all,

We have the next iteration of the CBD brief, with comments due by COB tomorrow – Abi just circulated a link for a shared draft at DRAFT Denver SIP Brief 2.4.24 - EPA comments.DOCX .

Ex. 5 AC/AWP

Happy to chat about any of this if that would be helpful – just let me know!

Melina

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

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From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Monday, February 5, 2024 12:19 AM
To: Boydston, Michael <Boydston.Michael@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: CBD v. EPA - Updated Brief

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

All,

The attached draft of the brief incorporates Eric's edits. Please provide any big-picture comments by COB EST on Tuesday. There are also three discrete comments that I could use some help with flagged in the brief.

Ex. 5 AC/AWP

FYI—I'm going to be out of the office tomorrow (Monday) for a procedure.

Thanks,

Lucy E. Brown
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
(202) 598-1868

Appointment

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 2/7/2024 8:30:42 PM
To: Rapp, Steven [Rapp.Steve@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; James, Corin (she/her/hers) [James.Corin01@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]; Simcox, Alison [simcox.alison@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; Fradkin, Kenneth [Fradkin.Kenneth@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Scofield, Steven [Scofield.Steve@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Sherman, Donnique [Sherman.Donnique@epa.gov]; Bray, Dave [Bray.Dave@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Stephens, Lucas [Stephens.Lucas@epa.gov]; Ayres, Sara [Ayres.Sara@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Bivens, Robert [Bivens.Robert@epa.gov]; McGinn, Kevin (he/him/his) [mcginn.kevin@epa.gov]; Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]

Subject: SIP Reporting Workgroup
Attachments: 02 01 24 Meeting Notes.docx; Committee for a Better Arvin v US EPA.pdf; Montana Sulphur And Chemical Co v US EPA.pdf; Sierra Club v United States Environmental Protection Agency.pdf; SIP Reporting Workgroup 2.pptx; TV Reporting and Platteville Claim III.pptx
Location: Microsoft Teams Meeting

Start: 2/8/2024 8:00:00 PM
End: 2/8/2024 9:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Thursday from 3:00 PM to 4:00 PM
Required Attendees: Rapp, Steven; Mataway-Novak, Dylan (he/him/his); Ling, Michael; Wilcox, Geoffrey; Vijayan, Abi; James, Corin (she/her/hers); Wortman, Eric (he/him/his); Simcox, Alison; Dain, Gregory; McHale, Mary; Fradkin, Kenneth; Schmitt, Ellen (she/her/hers); Scofield, Steven; Salem, Nevine; Boydston, Michael; Fulton, Abby; Sherman, Donnique; Bray, Dave; Ruddick, Randall; Stephens, Lucas; Ayres, Sara; Gross, Louise C; D'Agostino, Kathleen; Arra, Sarah (she/her/hers); Bivens, Robert; McGinn, Kevin (he/him/his); Ferreira, Nicholas (he/him/his)

Per @Ling, Michael email our agenda is below. Additionally, notes and materials from the last meeting are attached for reference.

Ex. 5 AC/DP

Ex. 5 AC/DP

Microsoft Teams meeting

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Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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Learn More | Meeting options

Message

From: Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]
Sent: 2/8/2024 6:39:46 PM
To: Lang, Matthew [Lang.Matthew@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; James, Corin (she/her/hers) [James.Corin01@epa.gov]
CC: Fulton, Abby [Fulton.Abby@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
Subject: RE: CAA 185 Fee Emissions Aggregation - For Review
Attachments: 185feeAggregation_CODraftEmail_HQComments_vFinal.docx

Hi Matt,

Attached is the draft email with HQ feedback. Please let us know if you have any questions or would like to set up a time to discuss further.

Thanks!
Erin

From: Lowder, Erin (she/her/hers)
Sent: Monday, February 5, 2024 10:41 AM
To: Lang, Matthew <Lang.Matthew@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; James, Corin (she/her/hers) <James.Corin01@epa.gov>
Cc: Fulton, Abby <Fulton.Abby@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: CAA 185 Fee Emissions Aggregation - For Review

Hi Matt,

We've received the portal submission and are confirming the 2/9 deadline.

Thanks!
Erin

From: Lang, Matthew <Lang.Matthew@epa.gov>
Sent: Friday, February 2, 2024 2:37 PM
To: Ling, Michael <Ling.Michael@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; James, Corin (she/her/hers) <James.Corin01@epa.gov>
Cc: Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CAA 185 Fee Emissions Aggregation - For Review

Thanks for the information and we'll get this into the portal for review. We appreciate all of your help on this!

Matt Lang
Air Quality Planning Branch
U.S. EPA, Region 8 |Air and Radiation Division
(303) 312-6709

From: Ling, Michael <Ling.Michael@epa.gov>
Sent: Friday, February 2, 2024 6:40 AM

To: Lang, Matthew <Lang.Matthew@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; James, Corin (she/her/hers) <James.Corin01@epa.gov>
Cc: Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CAA 185 Fee Emissions Aggregation - For Review

Ex. 5 AC/DP

You reminded me that I have an overdue to-do to create a SIP issue tracker entry for this issue (i.e., aggregation), so I will try to do that today, but I think you can submit it to the portal without waiting for me to do that.

From: Lang, Matthew <Lang.Matthew@epa.gov>
Sent: Thursday, February 1, 2024 6:38 PM
To: Ling, Michael <Ling.Michael@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; James, Corin (she/her/hers) <James.Corin01@epa.gov>
Cc: Fulton, Abby <Fulton.Abby@epa.gov>
Subject: CAA 185 Fee Emissions Aggregation - For Review

Good afternoon,

Ex. 5 AC/DP

Would COB on 2/9 be reasonable for review? Please let me know if there are any questions or preferences (need for review portal submission or otherwise).

Thank you,
Matt

Matt Lang
Air Quality Planning Branch
U.S. EPA, Region 8 | Air and Radiation Division
(303) 312-6709

Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 2/8/2024 8:05:11 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: CD withdrawal language
Attachments:CBD v. Regan 22-cv-3309 - Order Denying Motion to Enforce.pdf

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

withdrawal position.docx

Ex. 5 AC/AWP

From: Seidman, Emily
Sent: Thursday, February 08, 2024 1:48 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Marks, Matthew <Marks.Matthew@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: CD withdrawal language

Hi Gautam,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Emily Seidman | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | WJCN 7409L | office phone: (202) 564-0906 | cell phone: (202) 794-0051

Pronouns: she/her/hers

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 2/9/2024 4:42:09 PM
To: Greenglass, Nora [Greenglass.Nora@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
Subject: FW: Sierra Club v. Environmental Protection Agency
Attachments: Sierra Club v Environmental Protection Agency.pdf

N:

Here is the DC Circuit decision concerning the most recent challenge to an ozone NAAQS implementation rule.

Ex. 5 AC/DP

G
-----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Friday, February 9, 2024 11:31 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Sierra Club v. Environmental Protection Agency

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

Geoffrey Wilcox sent you content from Westlaw Edge.
Please see the attached file.

Item: Sierra Club v. Environmental Protection Agency
Citation: 21 F.4th 815
Sent On: Friday, February 9, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: Ozone implementation rule DC Circuit decision for NG

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 2/9/2024 4:51:53 PM
To: Greenglass, Nora [Greenglass.Nora@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: SIERRA CLUB, et al., Petitioners, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., Respondents.
Attachments: SIERRA CLUB et al Petitioners v UNITED STATES ENVIRONMENTAL PROTECTION AGENCY et.pdf

N:

This is the agency brief in the most recent challenge to an ozone implementation rule. Ex. 5 AC/DP

Ex. 5 AC/DP

G

-----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Friday, February 9, 2024 11:33 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: SIERRA CLUB, et al., Petitioners, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., Respondents.

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

Geoffrey Wilcox sent you content from Westlaw Edge.
Please see the attached file.

Item: SIERRA CLUB, et al., Petitioners, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al., Respondents.
Citation: 2020 WL 1025338
Sent On: Friday, February 9, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: EPA brief in DC Circuit challenge to ozone imp rule

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 2/9/2024 5:00:49 PM
To: Greenglass, Nora [Greenglass.Nora@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 9th Circuit CM case - FW: Association of Irritated Residents v. U.S. Environmental Protection Agency
Attachments: Association of Irritated Residents v US Environmental Protection Agency.pdf

N:

Per our discussion, this is the most recent 9th Circuit case pertaining to contingency measures. Ex. 5 AC/DP

Ex. 5 AC/DP

G

-----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Friday, February 9, 2024 11:08 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Association of Irritated Residents v. U.S. Environmental Protection Agency

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

Geoffrey Wilcox sent you content from Westlaw Edge.
Please see the attached file.

Item: Association of Irritated Residents v. U.S. Environmental Protection Agency
Citation: 10 F.4th 937
Sent On: Friday, February 9, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: 9th Circuit CM case for NG

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 2/9/2024 5:11:28 PM
To: Greenglass, Nora [Greenglass.Nora@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: PM2.5 NAAQS Imp Rule challenge - FW: Natural Resources Defense Council v. E.P.A.
Attachments: Natural Resources Defense Council v EPA.pdf

N:

Per our discussion, this is the DC Circuit decision on the PM2.5 imp rule.

Ex. 5 AC/DP

G

-----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Friday, February 9, 2024 11:02 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Natural Resources Defense Council v. E.P.A.

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

Geoffrey Wilcox sent you content from Westlaw Edge.
Please see the attached file.

Item: Natural Resources Defense Council v. E.P.A.
Citation: 706 F.3d 428
Sent On: Friday, February 9, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: 2013 NRDC for NG

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Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 2/12/2024 8:16:08 PM
To: Taveras, Fausto (he/him/his) [Taveras.Fausto@epa.gov]; Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]; DeLay, Robert [Delay.Robert@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; Lewis, Adam [Lewis.Adam@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Messing, Aaron [messing.aaron@epa.gov]; Ledezma, Andrew (he/him/his) [Ledezma.Andrew@epa.gov]
CC: Ling, Michael [Ling.Michael@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Coryell, Mark [coryell.mark@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; O'Kelly, Jeremy [OKelly.Jeremy@epa.gov]
Subject: 2015 O3 FFS | area/SIP tracking table (Feb 2024)
Attachments:2015 Ozone NAAQS FFS - 10-18-23_88 FR 71757.pdf

Lingard, Robert (he/him/his) has shared a OneDrive for Business file with you. To view it, click the link below.

2015_O3_Mod_FFS_SIPs_11-20-23.docx

February greetings! Please update the FFS tracking table (attached) as needed by COB Fri 2/16 and date stamp your revisions in the "Status Update" column. Thanks!

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Lingard, Robert (he/him/his)
Sent: Thursday, January 4, 2024 12:52 PM
To: Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; Ferreira, Nicholas (he/him/his) <Ferreira.Nicholas@epa.gov>; DeLay, Robert <Delay.Robert@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Lewis, Adam <Lewis.Adam@epa.gov>; Paige, Carrie <paige.carrie@epa.gov>; Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Messing, Aaron <Messing.Aaron@epa.gov>; Ledezma, Andrew (he/him/his) <Ledezma.Andrew@epa.gov>
Cc: Ling, Michael <Ling.Michael@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Kapichak, Rudolph

<kapichak.rudolph@epa.gov>; Coryell, Mark <coryell.mark@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>
Subject: 2015 O3 FFS | area/SIP tracking table (Jan 2024)

Hello and happy new year –

I'm checking in to request updates to the FFS tracking table (attached). Please revise as needed by COB Fri 1/12 and date stamp your revisions in the "Status Update" column. Thanks!

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Lingard, Robert (he/him/his)
Sent: Monday, November 20, 2023 4:38 PM
Subject: 2015 O3 FFS | area/SIP tracking table (Nov 2023)

Good afternoon –

As a follow-on from the recent FFS action, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I retained the existing notes (last updated 8/24) as a placeholder, and I am requesting your new updates by COB Wed 11/29. We'll request updates before the OIW monthly calls going forward.

Copying HQ ozone colleagues for awareness. Please let me know if I should add or subtract anybody from this distribution.

Thanks and Happy Thanksgiving!

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Lingard, Robert (he/him/his)
Sent: Tuesday, September 26, 2023 9:32 AM
To: Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; Ferreira, Nicholas (he/him/his) <Ferreira.Nicholas@epa.gov>; DeLay, Robert <Delay.Robert@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Moser, Mallory (she/her/hers) <Moser.Mallory@epa.gov>; Lewis, Adam <Lewis.Adam@epa.gov>; Paige, Carrie <paige.carrie@epa.gov>; Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Messing, Aaron <Messing.Aaron@epa.gov>; Ledezma, Andrew (he/him/his) <Ledezma.Andrew@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Brimmer, Amanda (she/her/hers) <Brimmer.Amanda@epa.gov>

Cc: Ling, Michael <Ling.Michael@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>
Subject: 2015 O3 FFS | area/SIP tracking table
Importance: High

Good morning, FFS reviewers –

Ex. 5 AC/DP

Thanks all,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Lingard, Robert (he/him/his)
Sent: Thursday, September 7, 2023 4:08 PM
To: Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; Ferreira, Nicholas (he/him/his) <Ferreira.Nicholas@epa.gov>; DeLay, Robert <Delay.Robert@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Moser, Mallory (she/her/hers) <Moser.Mallory@epa.gov>; Lewis, Adam <Lewis.Adam@epa.gov>; Paige, Carrie <paige.carrie@epa.gov>; Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Messing, Aaron <Messing.Aaron@epa.gov>; Ledezma, Andrew (he/him/his) <Ledezma.Andrew@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Brimmer, Amanda (she/her/hers) <Brimmer.Amanda@epa.gov>
Cc: Ling, Michael <Ling.Michael@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>
Subject: 2015 O3 FFS | potential "dropouts"

Good afternoon, FFS reviewers –

Ex. 5 AC/DP

Ex. 5 AC/DP

Please let me know if I'm missing anything, and provide an update on signature timing when you're able.

Thanks,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Lingard, Robert (he/him/his)
Sent: Tuesday, August 29, 2023 3:02 PM
Subject: FOR 9/05: 2015 Ozone Moderate FFS | Reviews Request
Importance: High

Hello FFS reviewers!

Ex. 5 AC/DP

Please let me know if I missed any reviewers or if you have any questions. I'm copying OTAQ for I/M awareness. Thanks all and happy Labor Day!

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>
Sent: Monday, August 28, 2023 9:41 AM
To: Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; Ferreira, Nicholas (he/him/his) <ferreira.nicholas@epa.gov>
Cc: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: 2015 Ozone Moderate FFS | Reviews Request

Good morning OIW,

Ex. 5 AC/DP

Thank you!

Best regards,
Fausto Taveras
U.S. Environmental Protection Agency - Region II
Air & Radiation Division | Air Planning Section
290 Broadway, New York, NY 10007
(212)-637-3378

Appointment

From: Raps, Virginia [raps.virginia@epa.gov]
Sent: 2/13/2024 7:49:30 PM
To: Jason.D.Emmons@usace.army.mil; david.b.olson@usace.army.mil; Chris.D.Carey@usace.army.mil; baanderson@blm.gov; Cooper, Charis A [ccooper@blm.gov]; jsimmons@blm.gov; brian.costner@hq.doe.gov; Neil.a.sheehan@uscg.mil; ralph.iovinelli@faa.gov; Gail.Orendorff@faa.gov; Jeetendra.Upadhyay@faa.gov; jason.c.lynch3.civ@army.mil; brian.r.moyer1.civ@army.mil; robert.w.durham14.civ@army.mil; michael.khalamayzer2.civ@army.mil; paul.a.josephson2.civ@army.mil; david.e.coffin6.civ@us.navy.mil; abe.h.nachabe.civ@us.navy.mil; francisco.castaneda@us.af.mil; john.smith.165@us.af.mil; ira.silverberg@dla.mil; Donald.Martin@dla.mil; amy.m.walker24.civ@us.navy.mil; Lahm, Peter -FS [peter.lahm@usda.gov]; joshua.hall@usda.gov; Jay.collbert@hq.dhs.gov; Magdalene.Suter@ferc.gov; kylee.ferrara@ferc.gov; Eric.Tomasi@ferc.gov; dbassett@fmc.gov; carmen.stemen@dot.gov; faris.mohammed@dot.gov; Palmer, Karen [Palmer.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; King, Rochelle (she/her/hers) [King.Rochelle@epa.gov]; Bowen, Richard [Bowen.Richard@epa.gov]; Kormos, Andrew [Kormos.Andrew@epa.gov]
CC: Brachtl, Megan [Brachtl.Megan@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]

Subject: Interagency Coordination Workgroup Meeting - General Conformity NPRM
Attachments: 2-13-2024 ICW Amend Follow up .docx
Location: Microsoft Teams Meeting

Start: 2/13/2024 8:00:00 PM
End: 2/13/2024 9:00:00 PM
Show Time As: Tentative

Required Attendees: Jason.D.Emmons@usace.army.mil; david.b.olson@usace.army.mil; Chris.D.Carey@usace.army.mil; baanderson@blm.gov; ccooper@blm.gov; jsimmons@blm.gov; brian.costner@hq.doe.gov; Neil.a.sheehan@uscg.mil; ralph.iovinelli@faa.gov; Gail.Orendorff@faa.gov; Jeetendra.Upadhyay@faa.gov; jason.c.lynch3.civ@army.mil; brian.r.moyer1.civ@army.mil; robert.w.durham14.civ@army.mil; michael.khalamayzer2.civ@army.mil; paul.a.josephson2.civ@army.mil; david.e.coffin6.civ@us.navy.mil; abe.h.nachabe.civ@us.navy.mil; francisco.castaneda@us.af.mil; john.smith.165@us.af.mil; ira.silverberg@dla.mil; Donald.Martin@dla.mil; amy.m.walker24.civ@us.navy.mil; peter.lahm@usda.gov; joshua.hall@usda.gov; Jay.collbert@hq.dhs.gov; Magdalene.Suter@ferc.gov; kylee.ferrara@ferc.gov; Eric.Tomasi@ferc.gov; dbassett@fmc.gov; carmen.stemen@dot.gov; faris.mohammed@dot.gov; Palmer, Karen; Vijayan, Abi; King, Rochelle (she/her/hers); Bowen, Richard; Kormos, Andrew
Optional Attendees: Brachtl, Megan; Mathias, Scott

Today's meeting discussion guide is attached.

Ex. 5 AC/DP

Please let me know if you have any questions.

Virginia

Virginia Raps
EPA | General Conformity Program Leader
Notice of Proposed Rulemaking (NPR)
Interagency Coordination Workgroup

OAQPS | AQPD | New Source Review Group (NSRG)
Phone 919-541-4383
Raps.virginia@epa.gov

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Ex. 6 Personal Privacy (PP)

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Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 2/13/2024 9:07:17 PM
To: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]
Subject: RE: Detroit ozone litigation - coordination and schedule
Attachments: Exceptional Events Rule Roadmap.docx; Bahr v Regan - Opinion Denying Petition.pdf; Bahr v. Regan Decision Summary (Phoenix 2008 ozone DAAD).docx; 2020-05-29 - Bahr v. Wheeler - Petitioners Opening Brief.PDF; 2020-09-04 - Bahr v. Wheeler - EPA Answering Brief.PDF; ENV_DEFENSE-#944203-v1-DN_42_Petitioners_Reply_Brief.PDF

Hi Heather,

Ex. 5 AC/AWP

Eric, please feel free to send me any calendar invites to discuss for when I get back – you should have access to my calendar. As a reminder, I'll be traveling internationally 2/14-26 and then on work travel 2/26-29 (it's actually for exceptional events; I'll have access to email and could step away for a call). I'll be out 3/1 and then back fully online 3/4.

Thanks!

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Monday, February 12, 2024 3:51 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Detroit ozone litigation - coordination and schedule

Hi Heather –

Libby is our OGC expert on exceptional events, and tomorrow is the last day she'll be in the office until March. Would you like me to put a call together for tomorrow, to discuss the legal aspects of EE?

We can offer the following times (all times EST):

- 9am-10am
- 1pm-1:30pm
- 3pm-4pm

If it's not possible for you to join a call tomorrow, then Libby can send you some written materials that would help lay the foundation for the EE argument.

Please let us know what works best on your end – thanks.

Eric

From: Svingen, Eric
Sent: Wednesday, February 7, 2024 4:31 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Detroit ozone litigation - coordination and schedule

Hi Heather –

It'll be nice to work together as DOJ and EPA pull together this brief.

Ex. 5 AC/AWP

Can you let me know your availability next week? Then I'll pull up the calendars of EPA staff and try to identify the best times.

In creating our proposed schedule, we were trying to hit the goals of: 1/ allowing time for review of briefs, and 2/ giving you materials about key arguments early in your process. But the overall goal really is to support DOJ in your work – so please let us know if there are other ways we can help you.

Eric

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, February 7, 2024 3:38 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Svingen, Eric <Svingen.Eric@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Pettit, Elizabeth (Libby)

<pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Detroit ozone litigation - coordination and schedule

Hi Heather,

Ex. 5 AC/AWP

As we discussed a couple of weeks ago, we wanted to start by scheduling calls with you to cover the major subject areas of the brief, in order to provide you with an opportunity to ask questions and also for EPA to assist with pointing you to both our strongest responses and potential vulnerabilities. Eric and Eaton have put together the attached draft schedule that would cover both calls and drafting/review of the merits brief for your consideration.

To that end, Eric will be in touch very soon about scheduling the first call. Please let us know if you have any questions/concerns.

Thanks,
Kaytrue

Message

From: Palmer, Karen [Palmer.Karen@epa.gov]
Sent: 2/16/2024 10:11:29 PM
To: Smith, Isabella [Smith.Isabella@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]
Subject: General Conformity
Attachments: General Conf Basics OGC 2-15-2024 Rev.pdf

Palmer, Karen has shared OneDrive for Business files with you. To view them, click the links below.

1993 Final Rule 58 FR 63214 Nov 30 1993 1-4-2023.pdf

1993 Proposed Rule 58 FR 13836 March 15 1993.pdf

75 FR 17253 - 2010 Final Rule.pdf

73 FR 1401 - 2010 Proposed Rule.pdf

Early_Guidance_GC_NPRM OAR Briefing 6-12-2023.docx

GC Tribes_NTAA Mtg 2-16-2024 DRAFT-rev.pdf

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Karen Palmer
US EPA
Air and Radiation Law Office
Phone: 202-603-3565
Email: palmer.karen@epa.gov

Pronouns: she/her/hers
I am an EPA LGBTQ+ Ally

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Message

From: Lawrence, Sydney [lawrence.sydney@epa.gov]
Sent: 2/20/2024 6:15:52 PM
To: Clark, Adam [Clark.Adam@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: RE: Affirmative Defense Provisions in MT FIP
Attachments: Draft Billings Laurel FIP Revision PR_HQ only.docx

Hi Adam,

Ex. 5 AC/DP

Thanks very much,
Sydney

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Monday, January 29, 2024 10:42 AM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Ex. 5 AC/DP

Adam

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, January 29, 2024 6:14 AM
To: Clark, Adam <Clark.Adam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hey Adam,

Ex. 5 AC/DPf

Thanks!
Sydney

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Friday, January 26, 2024 12:51 PM

To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi Sydney,

Ex. 5 AC/DP

Thanks! And please let me know if you have any questions or need anything additional.

Adam

From: Clark, Adam
Sent: Thursday, November 16, 2023 2:51 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Dobrahner, Jaslyn <Dobrahner.Jaslyn@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Much appreciated Sydney!

Ex. 5 AC/DP

Thanks,

Adam Clark (he/him)
Air Quality Planning Branch
EPA Region 8
303-312-7104

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Wednesday, November 15, 2023 8:30 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

In response to Adam's last question, I can be on point as OAQPS coordinator!

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, November 15, 2023 10:20 AM
To: Clark, Adam <Clark.Adam@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>

Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi Adam,

I know when we last touched base on this action R8 was waiting for an ORC assignment – has ORC review happened or will it happen by the time the draft comes to HQ for review?

Abi Vijayan | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronouns: she/her/hers

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Wednesday, November 15, 2023 9:18 AM
To: Ling, Michael <Ling.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Thanks Michael, that's helpful to understand. Would you or Sydney be able to act as the OAQPS coordinator on this action? It's SSM so you are the obvious choices while Ex. 6 Personal Privacy (PP) would be my preference that the OAQPS coordinator produce a consolidated set of comments that includes OGC input.

Thanks,

Adam Clark (he/him)
Air Quality Planning Branch
EPA Region 8
303-312-7104

From: Ling, Michael <Ling.Michael@epa.gov>
Sent: Wednesday, November 15, 2023 6:56 AM
To: Clark, Adam <Clark.Adam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Tuesday, November 14, 2023 6:19 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi all,

Ex. 5 Deliberative Process (DP)

Thanks!

Adam Clark (he/him)
Air Quality Planning Branch
EPA Region 8
303-312-7104

From: Clark, Adam
Sent: Wednesday, September 13, 2023 8:55 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue

<Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi Abi,

Ex. 5 AC/DP

Let me know if you have any follow-up questions. Thanks!

Adam Clark (he/him)
Air Quality Planning Branch
EPA Region 8
303-312-7104

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, September 5, 2023 7:26 AM
To: Ling, Michael <Ling.Michael@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi Adam,

Ex. 5 AC/DP

Appreciate any clarity you can provide, thanks!

Abi Vijayan | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronouns: she/her/hers

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Ling, Michael <Ling.Michael@epa.gov>
Sent: Tuesday, September 05, 2023 8:58 AM
To: Clark, Adam <Clark.Adam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

It's managed out of OP.

https://work.epa.gov/adp-library

You may want to check with R9 for the latest and they recently did a significant FIP proposal and worked with OP on the ADP.

OAQPS can assist with the OAQPS and OAR concurrence process if necessary. You will need OP to get it through to the Administrator. And you will also need OGC concurrence.

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Friday, September 1, 2023 3:32 PM
To: Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Thanks Michael. **Ex. 5 Deliberative Process (DP)** I'm unfamiliar with the ADP, could you send me a link/form to get me started?

From: Ling, Michael <Ling.Michael@epa.gov>
Sent: Friday, September 1, 2023 1:15 PM
To: Clark, Adam <Clark.Adam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Ex. 5 Deliberative Process (DP)

I hope this is helpful advice. If you do end up with a Tier 3 rule and would like an OAQPS reviewer, we can supply one from SLPG. Probably Sydney and/or I would be the logical choice.

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Friday, September 1, 2023 2:32 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi All,

I've drafted a proposed rule revising our Billings/Laurel SO2 FIP Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Would anyone on this email thread would like to review this proposed action? I plan to submit it via the review portal, just need to know who the reviewers will be.

Thanks!

Adam Clark (he/him)
Air Quality Planning Branch
EPA Region 8
303-312-7104

From: Clark, Adam
Sent: Monday, May 15, 2023 1:31 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Buchsbaum, Seth (he/him/his) <buchsbaum.seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Ex. 5 AC/DP

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Monday, May 15, 2023 12:45 PM
To: Ling, Michael <Ling.Michael@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Buchsbaum, Seth (he/him/his) <buchsbaum.seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Ex. 5 AC/DP

From: Ling, Michael <Ling.Michael@epa.gov>
Sent: Monday, May 15, 2023 10:50 AM
To: Thrift, Mike <thrift.mike@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Buchsbaum, Seth (he/him/his) <buchsbaum.seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Ex. 5 AC/DP

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Monday, May 15, 2023 1:21 PM
To: Clark, Adam <Clark.Adam@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Buchsbaum, Seth (he/him/his) <buchsbaum.seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Adding Abi, Kaytrue and Jeanhee. Here are my initial takes:

Ex. 5 AC/DP

From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Monday, May 15, 2023 10:05 AM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>

Cc: Buchsbaum, Seth (he/him/his) <buchsbaum.seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hi all,

Here's what I'm trying to figure out;

Ex. 5 AC/DP

Thanks,

Adam Clark (he/him)
Air Quality Planning Branch
EPA Region 8
303-312-7104

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, May 15, 2023 7:56 AM
To: Clark, Adam <Clark.Adam@epa.gov>
Cc: Buchsbaum, Seth (he/him/his) <buchsbaum.seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: Affirmative Defense Provisions in MT FIP

Hey Adam,

Ex. 5 AC/DP

Thanks very much,
Sydney

-----Original Appointment-----
From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Monday, May 8, 2023 12:27 PM
To: Clark, Adam; Clark, Adam; Buchsbaum, Seth (he/him/his); Pettit, Elizabeth (Libby); Lowder, Erin (she/her/hers); Ling, Michael; Lawrence, Sydney
Subject: Affirmative Defense Provisions in MT FIP
When: Monday, May 15, 2023 1:00 PM-1:30 PM (UTC-07:00) Mountain Time (US & Canada).
Where: Microsoft Teams Meeting

Hi all – We approved AD provisions into a Montana SO2 FIP back in 2008 (see Final Rule, last two pages). The purpose of this meeting is to discuss EPA's next move to address these provisions.

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Meeting ID: 263 601 422 21

Ex. 6 Personal Privacy (PP)

Find a local number | Reset PIN

For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

Learn More | Meeting options

Appointment

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 2/20/2024 10:34:27 PM
To: Wickersham, Lindsay (she/her/hers) [wickersham.lindsay@epa.gov]; Ahuja, Anupa [ahuja.anupa@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; Devkota, Om [devkota.om@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Nguyen, Khoi (she/her/hers) [Nguyen.Khoi@epa.gov]; Shahin, Emad [Shahin.Emad@epa.gov]; Lewis, Adam [Lewis.Adam@epa.gov]; Schluter, Catherine (she/her/hers) [Schluter.Catherine@epa.gov]; Taveras, Fausto (he/him/his) [Taveras.Fausto@epa.gov]; Aburano, Douglas (he/him/his) [aburano.douglas@epa.gov]; Adams, Evan (he/him/his) [adams.evan@epa.gov]; Akers, Brad [Akers.Brad@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Bean, Clayton (he/him/his) [bean.clayton@epa.gov]; Becoat, Gregory [becoat.gregory@epa.gov]; Belk, Ellen [Belk.Ellen@epa.gov]; Bell, Tiereny [Bell.Tiereny@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Biton, Leiran (he/him/his) [biton.leiran@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Brimmer, Amanda (she/her/hers) [Brimmer.Amanda@epa.gov]; Bunte, Laura [Bunte.Laura@epa.gov]; Calcinore, Sara [calcinore.sara@epa.gov]; Chen, Alexander [Chen.Alex@epa.gov]; Childers, Pat (he/him/his) [Childers.Pat@epa.gov]; Chow, Alice [chow.alice@epa.gov]; Coryell, Mark [coryell.mark@epa.gov]; Crispell, Emily [crispell.emily@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Damberg, Rich [Damberg.Rich@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Garcia, Ariel [Garcia.Ariel@epa.gov]; Garver, Daniel [Garver.Daniel@epa.gov]; Garwood, Ben [Garwood.Ben@epa.gov]; Gong, Kevin (he/him/his) [Gong.Kevin@epa.gov]; Graham, AshleyR (she/her/hers) [Graham.AshleyR@epa.gov]; Hemby, James [Hemby.James@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Hou, James [Hou.James@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Jackson, Scott [Jackson.Scott@epa.gov]; Jay, Michael [Jay.Michael@epa.gov]; Johnson, Terry [Johnson.Terry@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Keas, Ashley [keas.ashley@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; Kelly, ThomasP [Kelly.ThomasP@epa.gov]; Kemp, Lachala [Kemp.Lachala@epa.gov]; Krabbe, Stephen (he/him/his) [Krabbe.Stephen@epa.gov]; Laurita, Matthew [Laurita.Matthew@epa.gov]; Law, Nicole [Law.Nicole@epa.gov]; Lawrence, Laura (she/her/hers) [Lawrence.Laura@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Lee, Anita (she/her/hers) [Lee.Anita@epa.gov]; Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Leslie, Michael (he/him/his) [leslie.michael@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Lo, Doris [Lo.Doris@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; Loutan, Reema (she/her/hers) [Loutan.Reema@epa.gov]; Andrews, Suzanne [Andrews.Suzanne@epa.gov]; Mackintosh, David [Mackintosh.David@epa.gov]; Maietta, Anthony (he/him/his) [maietta.anthony@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; McWilliams, Anne K. [mcwilliams.anne@epa.gov]; Medina, Dayana [Medina.Dayana@epa.gov]; Millar, Emily [Millar.Emily@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Morton, Michael [Morton.Michael@epa.gov]; Moser, Mallory (she/her/hers) [Moser.Mallory@epa.gov]; Mullen, Kathleen (she/her/hers) [Mullen.Kathleen@epa.gov]; Murray, Beth [Murray.Beth@epa.gov]; Oconnor, Karina (she/her/hers) [OConnor.Karina@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Pepple, Karl [Pepple.Karl@epa.gov]; Pitre, Randy [Pitre.Randy@epa.gov]; Possiel, Norm (he/him/his) [Possiel.Norm@epa.gov]; Prentice, Amanda [Prentice.Amanda@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Rackauskas, Eric [rackauskas.eric@epa.gov]; Rehn, Brian [rehn.brian@epa.gov]; Riha, Kristin [Riha.Kristin@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Rogan, John (he/him/his) [Rogan.John@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Schulingkamp, Joseph [Schulingkamp.Joseph@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Simcox, Alison [simcox.alison@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Singh, Amrita [singh.amrita@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; Snyder, Erik [snyder.erik@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Sutton, Lisa [Sutton.Lisa@epa.gov]; Svendsgaard, Dave [Svendsgaard.Dave@epa.gov]; Talley, David [Talley.David@epa.gov]; Timin, Brian [Timin.Brian@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tonnesen, Gail [Tonnesen.Gail@epa.gov]; Travia, Donna [Travia.Donna@epa.gov]; Vagenas, Ginger [Vagenas.Ginger@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Viswanathan, Krishna [Viswanathan.Krishna@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Winkelmann, Joe (Joseph)

[winkelmann.joseph@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Yoshimura, Gwen (she/her/hers) [Yoshimura.Gwen@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Lang, Matthew [Lang.Matthew@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Naber, Nicole [Naber.Nicole@epa.gov]

CC: Ledezma, Andrew (he/him/his) [Ledezma.Andrew@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]; Dorantes, Michael [Dorantes.Michael@epa.gov]; Castro, Marina (she/her/hers) [Castro.Marina@epa.gov]; Pagan-Incle, Keila [pagan-incle.keila@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Lin, Stephanie [Lin.Stephanie@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; O'Kelly, Jeremy [OKelly.Jeremy@epa.gov]; Kay, Rynda (she/her/hers) [Kay.Rynda@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; James, Corin [James.Corin01@epa.gov]; Perez, Idalia (she/her/hers) [Perez.Idalia@epa.gov]; Rutherford, Robert [Rutherford.Robert@epa.gov]; McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]; Lillis, Patrick [Lillis.Patrick@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; McGuire, Philip (he/him/his) [McGuire.Philip@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]

Subject: Ozone Implementation Workgroup Monthly Call
Attachments: February 2024 ozone implementation workgroup agenda.docx
Location: Microsoft Teams Meeting

Start: 2/21/2024 6:00:00 PM
End: 2/21/2024 7:00:00 PM
Show Time As: Tentative

Recurrence: Monthly
the third Wednesday of every 1 month(s) from 12:00 PM to 1:00 PM

Required Attendees: Wickersham, Lindsay (she/her/hers); Ahuja, Anupa; Deabler, Gabrielle; Devkota, Om; Letterly, Aaron; Nguyen, Khoi (she/her/hers); Shahin, Emad; Lewis, Adam; Schluter, Catherine (she/her/hers); Taveras, Fausto (he/him/his); Aburano, Douglas (he/him/his); Adams, Evan (he/him/his); Akers, Brad; Arra, Sarah (she/her/hers); Bean, Clayton (he/him/his); Becoat, Gregory; Belk, Ellen; Bell, Tiereny; Benjamin, Lynorae; Bianco, Karen; Bigioni, Neil (he/him/his); Biton, Leiran (he/him/his); Bonifacino, Gina; Brachtl, Megan; Bradley, Twunjala; Brimmer, Amanda (she/her/hers); Bunte, Laura; Calcinore, Sara; Chen, Alexander; Childers, Pat (he/him/his); Chow, Alice; Coryell, Mark; Crispell, Emily; D'Agostino, Kathleen; Damberg, Rich; Dickinson, David; Donaldson, Guy; Feldman, Michael; Fernandez, Cristina; Ferreira, Nicholas (he/him/his); Frizzell, Gretchen (she/her/hers); Fulton, Abby; Garcia, Ariel; Garver, Daniel; Garwood, Ben; Gong, Kevin (he/him/his); Graham, AshleyR (she/her/hers); Hemby, James; Hong, Jeanhee; Hou, James; Hunt, Jeff; Jackson, Scott; Jay, Michael; Johnson, Terry; Kapichak, Rudolph; Keas, Ashley; Kelly, Johnj (he/him/his); Kelly, ThomasP; Kemp, Lachala; Krabbe, Stephen (he/him/his); Laurita, Matthew; Law, Nicole; Lawrence, Laura (she/her/hers); Lee, Andrew; Lee, Anita (she/her/hers); Leers, Ben (he/him/his); Leslie, Michael (he/him/his); Ling, Michael; Lingard, Robert (he/him/his); Lo, Doris; Longo, Linda (she/her/hers); Loutan, Reema (she/her/hers); Andrews, Suzanne; Mackintosh, David; Maietta, Anthony (he/him/his); McConnell, Robert; McHale, Mary; McKinley, Gobeail; McWilliams, Anne K.; Medina, Dayana; Millar, Emily; Mills, Derek; Morton, Michael; Moser, Mallory (she/her/hers); Mullen, Kathleen (she/her/hers); Murray, Beth; Oconnor, Karina (she/her/hers); Olszewski, Joshua; Paige, Carrie; Patulski, Meg; Pepple, Karl; Pitre, Randy; Possiel, Norm (he/him/his); Prentice, Amanda; Puplampu, William; Rackauskas, Eric; Rehn, Brian; Riha, Kristin; Riley, Jeffrey; Rogan, John (he/him/his); Ruvo, Richard (he/him/his); Salem, Nevine; Schulingkamp, Joseph; Senter, Stephen; Shar, Alan; Simcox, Alison; Simon, Heather; Singh, Amrita; Snyder, Doug; Snyder, Erik; South, Mia (she/her/hers); Spann, Jane; Spenillo, Justin; Sutton, Lisa; Svendsgaard, Dave; Talley, David; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Travia, Donna; Vagenas, Ginger; Vaupel, Claudia; Vijayan, Abi; Viswanathan, Krishna; Wells, Benjamin; Wieber, Kirk; Winkelmann, Joe (Joseph); Withey, Charlotte (she/her/hers); Wong, Richard; Yoshimura, Gwen (she/her/hers); Pettit, Elizabeth (Libby); Lang, Matthew; Chen, Eugene; Naber, Nicole

Optional Attendees: Ledezma, Andrew (he/him/his); Williams, Melina; Kosin, Michele; Dorantes, Michael; Castro, Marina (she/her/hers); Pagan-Incle, Keila; Wortman, Eric (he/him/his); Leffert, Kaitlyn (she/her/hers); Lin, Stephanie; Magee, Melanie; Goold, Megan (she/her/hers); O'Kelly, Jeremy; Kay, Rynda (she/her/hers); LaRocca, Sarah; Freund, Weston (he/him/his); James, Corin (she/her/hers); Perez, Idalia (she/her/hers); Rutherford, Robert; McEathron, Kimberly (she/her/hers); Lillis, Patrick; Gallegos, Jacob; Oggeri, Francis (he/him/his); Lowder, Erin (she/her/hers); McGuire, Philip (he/him/his); Neiswinter, Ian

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Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 2/21/2024 1:59:44 PM
To: National SIP Processing Workgroup [NatlSIPProcessingWG@epa.gov]; Deese, William [deese.william@epa.gov]; Bartley, Richard [Bartley.Richard@epa.gov]; Becoat, Gregory [becoat.gregory@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Dobrahner, Jaslyn [Dobrahner.Jaslyn@epa.gov]; Dorantes, Michael [Dorantes.Michael@epa.gov]; Fradkin, Kenneth [Fradkin.Kenneth@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Garcia, Ariel [Garcia.Ariel@epa.gov]; Gordon, Michael [Gordon.Mike@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Hall, Jeremiah [hall.jeremiah@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; McIntyre, Gerald [McIntyre.Gerald@epa.gov]; Mohr, Ashley [Mohr.Ashley@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Stevens, Arnold [stevens.arnold@epa.gov]; Sutton, Lisa [Sutton.Lisa@epa.gov]; Suzuki, Debra [Suzuki.Debra@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Wang, Mae [Wang.Mae@epa.gov]; Weinelt, Eva [Weinelt.Eva@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Williams-Miles, Pearlene [WilliamsMiles.Pearlene@epa.gov]; Yannayon, Laura [Yannayon.Laura@epa.gov]; Zull, Aaron [zull.aaron@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]
CC: Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]; McQuilkin, Wendy [Mcquilkin.Wendy@epa.gov]; Morris, Stephanie [Morris.Stephanie@epa.gov]; Reddick, Lorraine [Reddick.Lorraine@epa.gov]; Saltman, Tamara [Saltman.Tamara@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Washington, Stephanie [Washington.Stephanie@epa.gov]
Subject: RE: National SIP Processing Workgroup Conference Call
Attachments: 2024-02-22_Agenda.docx

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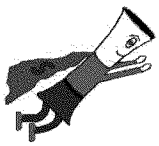

Draft Agenda National SIP Processing Workgroup Conference Call
Thursday, February 22, 2024 12:00 PM to 1:00 PM ET
Meeting ID: 261 345 475 574 **Passcode: jTEiAX**
Call in number (312) 667-5632 **Conference ID: 990 053 809#**
SIP Workgroup SharePoint site

Region 3 will take meeting minutes (action items – if needed).

Discussion Items

1. SPeCS Demo
2. EJ Template / EJ in SIPs
3. Additional Questions/Comments from the Regions

Attached Files: (please do not share outside the Agency)

1) 2024-02-22_Agenda.docx

++++++++++++++++++++++++++
Chris Panos | EPA Region 5 | Air and Radiation Division (AR-18J) | (312) 353-8328 | panos.christos@epa.gov

Message

From: Carrillo, Andrea [Carrillo.Andrea@epa.gov]
Sent: 2/23/2024 11:23:19 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: FW: Texas v. EPA - SO2 NAAQS
Attachments: ENV_DEFENSE-#1154429-v1-Texas_v__EPA_(SO2)_Pet__for_Rehearing_En_Banc.PDF

FYI

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, February 23, 2024 5:26 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Texas v. EPA - SO2 NAAQS

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

Andrea,

Enclosed is a Petition for Rehearing En Banc that just came in.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail
U.S. Department of Justice
Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

Message

From: Dolwick, Pat [Dolwick.Pat@epa.gov]
Sent: 2/26/2024 3:13:20 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]
Subject: Pager for this morning's discussion
Attachments: DRAFT GHG Pager Feb 2024_clean (002).docx

Abi, Melina,

Sorry for not getting this to you sooner. Thought we could use this pager to walk through background and possible analogs, then have an open discussion on options / next steps.

Pat Dolwick
Science Advisor – Health and Environmental Impacts Division
EPA-OAR-OAQPS-HEID
919-541-5346 (o); 919-744-1059 (c)
dolwick.pat@epa.gov (he/him)

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 2/26/2024 9:18:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: SO2 Materials
Attachments: 1992 General Preamble (57fedreg13498).pdf; SO2 NAAQS 2010 final.pdf; 2014 SO2 NA Guidance.pdf; Litigation-SO2-Designations_Deadline_Suit-Final_CD-030215.pdf; SO2 outline for Bella.docx

CUI//PRIVILEGE

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers)
Sent: Monday, February 26, 2024 12:04 PM
To: Smith, Isabella <Smith.Isabella@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>
Subject: SO2 Materials

Hi Bella,

With so many apologies for the delay, here are some SO2 materials to get you started!

Ex. 5 AC/DP

Let's start with these. They're pretty hefty. I'd suggest referencing the CAA wherever you see a provision in these documents, rather than just reading the CAA, so things actually fit together a bit. Do you have a yellow CAA book yet? If not, let's meet up tomorrow and get you one from Gautam's office.

I'll also send you a folder of a ton of "101 docs" that Andrea Carrillo, my mentor and a former SO2 team member, sent me when I started. This is more for reference, though, because the sheer volume of things is overwhelming. Feel free to copy/paste them into your own reference folder for the future, but I'm not sure it makes sense to start reading all of them without context (unless you really want to! I never got to most of these, tbh). In the future, when someone references a case or document, you can start here to see if you have it. The SO2 folder is pretty good. 😊

Ex. 5 AC/DP

Talk soon!
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

Message

From: Mills, Derek [Mills.Derek@epa.gov]
Sent: 2/27/2024 7:51:28 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
CC: Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; James, Corin [James.Corin01@epa.gov]
Subject: RE: NH RACT and transport
Attachments: EPA Response Brief GN SIP Disapprovals_CA8_Missouri.pdf; Texas Contingency Measures Lit - Texas Brief - 2-21-24.pdf

Ex. 5 AC/DP

Corin, no need to read this entire chain. Just connecting some dots where we may be filing briefs on similar issues. See Dan's email immediately below and their attached brief, which may be helpful to you. Happy to chat if you have questions.

Abi & Emily, fun topic for SIP group lunch?

Derek Mills (he/him/his)
Attorney, Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3341

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, February 16, 2024 10:59 AM
To: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: NH RACT and transport

Ex. 5 AC/DP

Ex. 5 AC/DP

As I mentioned on the call, I will give Dylan a call to alert him to this issue.

Thank you!

-----Original Appointment-----
From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Tuesday, February 13, 2024 2:38 PM
To: Seidman, Emily; Schramm, Daniel; Vijayan, Abi; Bianco, Karen
Cc: Kaban, Rosemary; Mills, Derek; Pettit, Elizabeth (Libby)
Subject: NH RACT and transport
When: Friday, February 16, 2024 9:30 AM-10:15 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Holding time to discuss, in the hopes that CAMD will have reviewed and we can see their input.

If Tuesday 2/20 at 4pm is better, that's our other option for an internal ARLO discussion.

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From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, February 13, 2024 11:46 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, February 13, 2024 11:36 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with “cubby”)

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From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, February 13, 2024 11:32 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, February 13, 2024 11:20 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

Agree a call would be helpful – happy to talk with the larger workgroup or keep it internal for now. Whatever others want to do.

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, February 13, 2024 11:09 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi Dan,

Ex. 5 AC/DP

Ex. 5 AC/DP

Karen

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, February 13, 2024 10:47 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi Karen and Abi –

I reviewed and inserted my comments on the NH RACT draft yesterday.
R1_Responses_NH_NOxRACT_MStation_FRN_HQ.docx

Before sending an email out to the whole group, I wanted to flag a couple things and get your thoughts.

Ex. 5 AC/DP

Ex. 5 AC/DP

Let me know how you want to proceed.

From: Schramm, Daniel
Sent: Thursday, February 8, 2024 12:54 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ok, thanks – it sounds like CAMD has now reviewed this (though David Lifland might just be jumping in), so I will plan to take a look (maybe starting later today hopefully).

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Thursday, February 8, 2024 12:50 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Dan, this is the notice that you and I had exchanged quick emails on previously. Because David Lifland was out of office during our last review window, CAMD asked to look during a second round review. In light of that and other demands on your time, you had decided to do the same.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, February 8, 2024 12:44 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>
Subject: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi transport team –

We received adverse comments from Sierra Club on a proposed ozone RACT approval for EGUs, which contend that the transport FIP contains more restrictive limits than what New Hampshire imposes as RACT for certain facilities. The draft responses get into a discussion on the transport FIP, so we want to make sure both you and CAMD review (as Eric notes, CAMD staff reviewed the prior version). Karen is our main OGC reviewer for this package, so please let her know if you have any questions, thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>
Sent: Thursday, February 08, 2024 11:55 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>
Subject: RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi everyone,

I submitted Region 1's responses and edits on the NH RACT final rule into the review portal. There were a few comments that indicated additional review would be required by staff in CAMD and OGC. I tagged Emily, Dan, David L., and Beth Murray in the portal submittal, but please ensure that any other additional HQ reviewers are notified. To the

extent possible, suggested language is always appreciated with any new comments. Note that technical staff at CAMD had also reviewed the document prior to the first portal submittal.

Thank you for your assistance and please let me know if you would like to have a call to discuss any of the comments or responses in more detail. Bob McConnell is also available to answer questions during your review.

Thanks!

Eric

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Monday, January 29, 2024 2:14 PM
To: McConnell, Robert <mcconnell.robert@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hello Region 1 –

Ex. 5 AC/DP

We recognize your tight CD schedule, and Dylan and Abi would be happy to discuss any overarching concerns with you. Of course please also reach out with any questions on specific review comments.

Thanks,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Friday, January 5, 2024 2:52 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

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

A new item titled "Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards " has been submitted by Region 01 to the HQ SIP Portal. Please visit the link below to view the item:

https://usepa.sharepoint.com/sites/OAR_Custom/APQDSIPLEAN/_layouts/15/listform.aspx?PageType=4&ListId=d7e5cbe6%2Dee18%2D4def%2D98be%2Db967a2ed2df8&ID=797&ContentTypeID=0x01008016101D926D784E9AE2CA2111630894

Title: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards
State: NH
Region: 01
Standard: Ozone (2015)
Area: NA
Document Category: Control Measure-RACT
Date Submitted to HQ: 2024-01-08
HQ Due Date: 2024-01-22
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC

Ex. 5 AC/DP

https://usepa.sharepoint.com/:f:/s/R1_Work/sip_processing_team/EsYaoZd7ni5PulJSbFgjQEEBEZ_op4GmiR1

Ex. 6 Personal Privacy (PP) if you would like to access the recent comments received on the Regional Haze NPRM, they can be accessed here: Ex. 6 Personal Privacy (PP)
xdQTllJu1ADoKE8xJgBFz35C59U6qP7jNdLu3Cq1g?e=tgqddS
Regional Manager(s): Wortman, Eric (he/him/his);
Regional Staff Lead(s): McConnell, Robert;
ORC Staff Lead(s): Dain, Gregory;
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Lingard, Robert (he/him/his); Ling, Michael;
OGC Staff Involved: Vijayan, Abi; Bianco, Karen; Mills, Derek;
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 2/27/2024 8:01:24 PM
To: Mills, Derek [Mills.Derek@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
CC: Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; James, Corin [James.Corin01@epa.gov]
Subject: RE: NH RACT and transport
Attachments: Dkt. 397 - EPA CA5 Response Br.pdf; EME Homer City Generation_ L.P v. EPA_ 795 F.3d 118.pdf

Ex. 5 AC/DP

From: Mills, Derek <Mills.Derek@epa.gov>
Sent: Tuesday, February 27, 2024 2:51 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: NH RACT and transport

Ex. 5 AC/DP

Corin, no need to read this entire chain. Just connecting some dots where we may be filing briefs on similar issues. See Dan's email immediately below and their attached brief, which may be helpful to you. Happy to chat if you have questions.

Abi & Emily, fun topic for SIP group lunch?

Derek Mills (he/him/his)
Attorney, Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3341

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, February 16, 2024 10:59 AM
To: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: NH RACT and transport

Ex. 5 AC/DP

As I mentioned on the call, I will give Dylan a call to alert him to this issue.

Thank you!

-----Original Appointment-----
From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Tuesday, February 13, 2024 2:38 PM
To: Seidman, Emily; Schramm, Daniel; Vijayan, Abi; Bianco, Karen
Cc: Kaban, Rosemary; Mills, Derek; Pettit, Elizabeth (Libby)
Subject: NH RACT and transport
When: Friday, February 16, 2024 9:30 AM-10:15 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Holding time to discuss, in the hopes that CAMD will have reviewed and we can see their input.

If Tuesday 2/20 at 4pm is better, that's our other option for an internal ARLO discussion.

Microsoft Teams meeting

Join on your computer, mobile app or room device
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Learn More | Meeting options

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, February 13, 2024 11:46 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, February 13, 2024 11:36 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, February 13, 2024 11:32 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, February 13, 2024 11:20 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, February 13, 2024 11:09 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi Dan,

Ex. 5 AC/DP

Karen

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, February 13, 2024 10:47 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi Karen and Abi –

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Let me know how you want to proceed.

From: Schramm, Daniel
Sent: Thursday, February 8, 2024 12:54 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Ok, thanks – it sounds like CAMD has now reviewed this (though David Lifland might just be jumping in), so I will plan to take a look (maybe starting later today hopefully).

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Thursday, February 8, 2024 12:50 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Dan, this is the notice that you and I had exchanged quick emails on previously. Because David Lifland was out of office during our last review window, CAMD asked to look during a second round review. In light of that and other demands on your time, you had decided to do the same.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, February 8, 2024 12:44 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>
Subject: transport FIP discussion - RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi transport team –

We received adverse comments from Sierra Club on a proposed ozone RACT approval for EGUs, which contend that the transport FIP contains more restrictive limits than what New Hampshire imposes as RACT for certain facilities. The draft responses get into a discussion on the transport FIP, so we want to make sure both you and CAMD review (as Eric notes, CAMD staff reviewed the prior version). Karen is our main OGC reviewer for this package, so please let her know if you have any questions, thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>
Sent: Thursday, February 08, 2024 11:55 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>
Subject: RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hi everyone,

I submitted Region 1's responses and edits on the NH RACT final rule into the review portal. There were a few comments that indicated additional review would be required by staff in CAMD and OGC. I tagged Emily, Dan, David L., and Beth Murray in the portal submittal, but please ensure that any other additional HQ reviewers are notified. To the extent possible, suggested language is always appreciated with any new comments. Note that technical staff at CAMD had also reviewed the document prior to the first portal submittal.

Thank you for your assistance and please let me know if you would like to have a call to discuss any of the comments or responses in more detail. Bob McConnell is also available to answer questions during your review.

Thanks!

Eric

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Monday, January 29, 2024 2:14 PM
To: McConnell, Robert <mcconnell.robert@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

Hello Region 1 –

Ex. 5 AC/DP

We recognize your tight CD schedule, and Dylan and Abi would be happy to discuss any overarching concerns with you. Of course please also reach out with any questions on specific review comments.

Thanks,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Friday, January 5, 2024 2:52 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards Due 2024-01-22

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

A new item titled "Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards " has been submitted by Region 01 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Air Plan Approval; New Hampshire; Reasonable Available Control Technology for the 2008 and 2015 Ozone Standards
State: NH
Region: 01
Standard: Ozone (2015)
Area: NA
Document Category: Control Measure-RACT
Date Submitted to HQ: 2024-01-08
HQ Due Date: 2024-01-22
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC

Ex. 5 AC/DP

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) If you would like to access the recent comments received on the Regional Haze

NPRM, they can be accessed here: Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)
Regional Manager(s): Wortman, Eric (he/him/his);
Regional Staff Lead(s): McConnell, Robert;
ORC Staff Lead(s): Dain, Gregory;
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Lingard, Robert (he/him/his); Ling, Michael;
OGC Staff Involved: Vijayan, Abi; Bianco, Karen; Mills, Derek;
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 2/28/2024 4:39:18 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: just FYI on designations front
Attachments: SO2 designations case pet for reh en banc.pdf

CUI//PRIVILEGE

Gang:

This is just FYI and a reminder. As you will recall, the agency recently won an SO2 designations case in the 5th Circuit. A well deserved victory.

Ex. 5 AC/DP

G

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Message

From: Vargas, Aaron [Vargas.Aaron@epa.gov]
Sent: 2/28/2024 8:24:46 PM
To: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"
Attachments: 17-60088_DocketEntry_02-23-2024_366-1.pdf

All,

Have yall seen the petition for rehearing en banc (attached)? Do yall want to meet and discuss what happens next and any response/deadlines we may have?

Aaron H. Vargas

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, September 15, 2023 1:38 PM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

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

Attached is our filed 28(j) letter. Thanks for all your help.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

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Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Friday, September 15, 2023 11:26 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Attached is the excel spreadsheet that can be found at the more specific link.

Aaron H. Vargas

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, September 15, 2023 7:25 AM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

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

Andrea,
My management wants to know if we have a cite for the highlighted sentence in our response letter (attached).
Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

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Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Friday, September 1, 2023 4:13 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Ex. 5 AC/AWP

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, September 1, 2023 2:35 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Thanks Andrea. I accepted all your changes and then made some new changes. The new changes should be in redline so you can see them. I think this makes the main points we want to make.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

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Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Friday, September 1, 2023 1:01 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Hi, Perry. Thank you for sending us this excellent draft so quickly. Attached is our edits and comments explaining those edits in redline. We are under the word limit currently in this draft and there is an additional wording suggestion in a comment bubble of the paragraph that begins “Second,…” for your consideration. We hope you have a wonderful long weekend!

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, August 31, 2023 4:23 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Andrea and Aaron,

Enclosed is a draft letter to the Court. It is just under our 350 word limit. I look forward to your comments.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

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Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, August 29, 2023 6:00 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Ex. 5 AC/AWP

Notes:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, August 29, 2023 4:57 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Looks good.

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
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perry.rosen@usdoj.gov

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Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Sent: Tuesday, August 29, 2023 4:56 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Here are the promised edits we would recommend to SC's bullets:

Ex. 5 AC/AWP

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 28, 2023 3:59 PM
To: Carrillo, Andrea <Carrillo.Andrea@epa.gov>
Subject: FW: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Andrea,

Ex. 5 AC/AWP

Perry

Perry M. Rosen
Senior Attorney
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Environment Defense Section
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150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Lisa Perfetto <lperfetto@earthjustice.org>
Sent: Monday, August 28, 2023 9:32 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: joshua.smith <joshua.smith@sierraclub.org>; Gilbert Zelaya <gzelaya@earthjustice.org>
Subject: [EXTERNAL] RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Hi Perry,

We're planning a short response explaining:

- Texas Petitioners rely on unverified, incomplete data to claim monitoring now shows attainment (2023 is not complete)
- The most recent three years for which data is available continues to show nonattainment
- Despite Petitioners attempt at obfuscation, the fact remains EPA properly designated the Martin Lake area nonattainment based on modeling in 2016—and the accuracy of that determination has been confirmed through many successive years of monitoring data.
- To the extent Petitioners wish to argue that the nonattainment designation should be rescinded based on a claim the area is now in attainment, there's a prescribed statutory process—which among other things requires the existence of implementation/maintenance plans and that any air quality improvements be permanent and enforceable.

Assuming you do opt to submit a response, do you have a sense of when you would file?

Best,
Lisa

Lisa K. Perfetto
Senior Attorney
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
T: 212.845.7388
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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, August 25, 2023 8:53 AM
To: Lisa Perfetto <lperfetto@earthjustice.org>
Cc: joshua.smith <joshua.smith@sierraclub.org>; Gilbert Zelaya <gzelaya@earthjustice.org>
Subject: RE: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

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Lisa,

I am speaking to EPA about their letter early next week and will get back to you. Can you provide me a few bullet points as to what you would include in your response? That might help in my discussion with EPA. Thanks.

Perry

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From: Lisa Perfetto <lperfetto@earthjustice.org>
Sent: Thursday, August 24, 2023 3:54 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: joshua.smith <joshua.smith@sierraclub.org>; Gilbert Zelaya <gzelaya@earthjustice.org>
Subject: [EXTERNAL] FW: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

Hi Perry,

By now you've probably seen Texas Petitioners' latest 28(j) letter, claiming that the latest monitoring data is showing attainment. In contrast to Texas Petitioners' last submission, we believe this letter necessitates a strong reply. Are you planning to submit a response?

Best,
Lisa

Lisa K. Perfetto
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From: cmecf_caseprocessing@ca5.uscourts.gov <cmecf_caseprocessing@ca5.uscourts.gov>
Sent: Thursday, August 24, 2023 12:08 PM
To: Lisa Perfetto <lperfetto@earthjustice.org>
Subject: 17-60088 State of Texas v. EPA "Rule 28(j) Material Filed"

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United States Court of Appeals for the Fifth Circuit

Notice of Docket Activity

The following transaction was entered on 08/24/2023 at 11:07:55 AM Central Daylight Time and filed on 08/24/2023

Case Name:	State of Texas v. EPA
Case Number:	17-60088
Document(s):	Document(s)

Docket Text:
SUPPLEMENTAL AUTHORITIES (FRAP 28j) FILED by Petitioners Luminant Generation Company, L.L.C., Big Brown Power Company, L.L.C., Sandow Power Company, L.L.C. and Luminant Mining Company, L.L.C. in 17-60088, Petitioners Luminant Generation Company, L.L.C. and Luminant Mining Company, L.L.C. in 21-60673 Date of Service: 08/24/2023 via email - Attorney for Petitioners: Baasch, Barber, Gidiere, Hulme, Kelly, Moore, Moore; Attorney for Intervenors: Cmar, Perfetto, Smith; Attorney for Respondents: Prieto, Rosen; US mail - Attorney for Respondent: Prieto [17-60088, 21-60673] (Philip Stephen Gidiere III)

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NOTICE WILL BE DELIVERED BY OTHER MEANS TO:

Mr. Jeffrey Prieto
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460

The following document(s) are associated with this transaction:
Document Description: Rule 28(j) Material Filed
Original Filename: Petitioners' 28(j) Letter.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=08/24/2023] [FileNumber=10180706-0] [8bbeec074e47d196c0f68e22f8bb95bd642baff02cc26d76daa8a658a24c97d9a69e62f20293276bb6c0c914ffd addb957288a7a318e71125de5402d89048406]]

Message

From: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 3/1/2024 3:26:05 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Judgment w/Opinion Filed (Complex Panel)"
Attachments: SSM Judgment.pdf

Importance: High

Expletives abound.
Abi, let me know how I can help today with Libby and seth out.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 1, 2024 10:16 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Judgment w/Opinion Filed (Complex Panel)"

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Breaking news on SSM – opinion forthcoming…

Sarah

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Friday, March 1, 2024 10:13 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Judgment w/Opinion Filed (Complex Panel)"

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 03/01/2024 at 10:12:23 AM Eastern Standard Time and filed on 03/01/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
PER CURIAM JUDGMENT [2043026] filed that the petitions for review be granted and the SIP calls be vacated as to the calls based on automatic exemptions, director's discretion provisions, and affirmative defenses

that are functionally exemptions; and the petitions for review be denied as to the calls based on the enforcement-discretion provision and affirmative defenses against specific relief, for the reasons in the accompanying opinion . Before Judges: Srinivasan, Pillard and Walker. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

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The following document(s) are associated with this transaction:
Document Description: Judgment with Opinion Sent
Original Filename: /opt/ACECF/live/forms/15-1239CHMJ.2.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=03/01/2024] [FileNumber=2043026-0]
[60328b9ac282a703bb2546a218c51b311a4e5e9bc4a1d41809871e91a3a7baad10efda205cee7a92688ffd9615ab
df6ac997f8a1422afa360c426a81c0f90724]]
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- Mr. Steven R. Blair, Assistant Attorney General
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Message

From: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 3/1/2024 3:26:30 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"
Attachments: SSM_Opinion.pdf

Importance: High

Here's the opinion.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 1, 2024 10:22 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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Opinion.

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Friday, March 1, 2024 10:20 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 03/01/2024 at 10:18:48 AM Eastern Standard Time and filed on 03/01/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
OPINION [2043030] filed PER CURIAM (Pages: 68), OPINION CONCURRING IN PART AND DISSENTING IN PART (Pages: 28) by Judge Pillard. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

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Document Description: Opinion Sent
Original Filename: /opt/ACECF/live/forms/15-1239PC.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=03/01/2024] [FileNumber=2043030-0]
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0c547ea5a136f5a892af1062bff55f277e]]
Recipients:

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- Mr. Christopher John Baum, Deputy Solicitor General
- Ms. Kellie Elizabeth Billings-Ray, Assistant Attorney General
- Mr. Steven R. Blair, Assistant Attorney General
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Message

From: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 3/1/2024 3:28:48 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"
Attachments: SSM_Opinion.pdf

Importance: High

Gautam, top line summary quoted from the judgment. Opinion attached.

ORDERED and **ADJUDGED** that the petitions for review be granted and the SIP calls be vacated as to the calls based on automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions; and the petitions for review be denied as to the calls based on the enforcement-discretion provision and affirmative defenses against specific relief, in accordance with the opinion of the court filed herein this date.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 1, 2024 10:22 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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Opinion.

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Sent: Friday, March 1, 2024 10:20 AM
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Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 03/01/2024 at 10:18:48 AM Eastern Standard Time and filed on 03/01/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
OPINION [2043030] filed PER CURIAM (Pages: 68), OPINION CONCURRING IN PART AND DISSENTING IN PART (Pages: 28) by Judge Pillard. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

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0c547ca5a136f5a892af1062bff55f277e]]
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Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 3/1/2024 4:14:47 PM
To: Bianco, Karen [Bianco.Karen@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

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

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Friday, March 1, 2024 11:10 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 10:46 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Shit. I am on the road today but hopefully not driving so should be reachable.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 1, 2024, at 10:28 AM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Gautam, top line summary quoted from the judgment. Opinion attached.

ORDERED and **ADJUDGED** that the petitions for review be granted and the SIP calls be vacated as to the calls based on automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions; and the petitions for review be denied as to the calls based on the enforcement-discretion provision and affirmative defenses against specific relief, in accordance with the opinion of the court filed herein this date.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 1, 2024 10:22 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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Opinion.

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Sent: Friday, March 1, 2024 10:20 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 03/01/2024 at 10:18:48 AM Eastern Standard Time and filed on 03/01/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
OPINION [2043030] filed PER CURIAM (Pages: 68), OPINION CONCURRING IN PART AND DISSENTING IN PART (Pages: 28) by Judge Pillard. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

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Document Description: Opinion Sent
Original Filename: /opt/ACECF/live/forms/15-1239PC.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=03/01/2024] [FileNumber=2043030-0]
[79ddc2ad06ede55272dd0c050326a3af4f8eaf45461bfb84384f25a8384a214a2c6fbe028cdee2c4e4ca4acb4b2af5
0c547ea5a136f5a892af1062bff55f277e]]
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<SSM_Opinion.pdf>

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/1/2024 6:25:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: SSM decision - partial vacatur
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Importance: High

AV:

Ex. 5 AC/DP

G

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, March 1, 2024 11:45 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: SSM decision - partial vacatur
Importance: High

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Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Vijayan, Abi
Sent: Friday, March 01, 2024 11:36 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: SSM decision - partial vacatur
Importance: High

Hi all,

The D.C. Circuit just issued the much awaited SSM SIP Call decision (hope Seth is enjoying his parental leave). Unfortunately, the court has vacated the SIP calls as to "automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions." The court further upheld the SIP calls as to the director's discretion provisions, and as to TN's enforcement discretion provisions. The court also denied the Petitioners' challenges to affirmative defenses against monetary damages.

Ex. 5 AC/DP

Again, we are still working through the opinion and will be in touch soon (likely on Monday) with a more detailed summary of the opinion, but wanted you to be aware of the order and opinion as soon as possible. Please let us know if you have any immediate questions, otherwise we'll of course be in touch asap. Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 3/1/2024 7:29:45 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

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(202) 695-6287

On Mar 1, 2024, at 2:27 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

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Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 01, 2024 2:03 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ah. Got it. Thanks.

Ex. 5 AC/DP

++++++++++++++++++++++
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On Mar 1, 2024, at 1:42 PM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Ex. 5 AC/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 1:39 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

++++++++++++++++++++++
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On Mar 1, 2024, at 1:06 PM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 1:00 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

No need to respond if want to keep thinking/digesting.
++++++++++++++++++++++
he/him/his
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On Mar 1, 2024, at 12:17 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

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Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 01, 2024 12:17 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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On Mar 1, 2024, at 11:10 AM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 10:46 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Shit. I am on the road today but hopefully not driving so should be reachable.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 1, 2024, at 10:28 AM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Gautam, top line summary quoted from the judgment. Opinion attached.

ORDERED and **ADJUDGED** that the petitions for review be granted and the SIP calls be vacated as to the calls based on automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions; and the petitions for review be denied as to the calls based on the enforcement-discretion provision and affirmative defenses against specific relief, in accordance with the opinion of the court filed herein this date.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 1, 2024 10:22 AM

To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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Opinion.

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Friday, March 1, 2024 10:20 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
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United States Court of Appeals for District of Columbia Circuit

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The following transaction was entered on 03/01/2024 at 10:18:48 AM Eastern Standard Time and filed on 03/01/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
OPINION [2043030] filed PER CURIAM (Pages: 68), OPINION CONCURRING IN PART AND DISSENTING IN PART (Pages: 28) by Judge Pillard. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

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Document Description: Opinion Sent
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[STAMP acecfStamp_ID=1109186823 [Date=03/01/2024] [FileNumber=2043030-0]
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0c547ea5a136f5a892af1062bff55f277e]]
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4. Ms. Kellie Elizabeth Billings-Ray, Assistant Attorney General
5. Mr. Steven R. Blair, Assistant Attorney General
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53. Ms. Lindsay S. See
54. Mr. James Michael Showalter, Attorney
55. Mr. James Emory Smith, Jr., Assistant Attorney General
56. Joshua Douglas Smith, Attorney
57. Ms. Mathura Sridharan
58. Mr. Luther J. Strange, III
59. Mrs. Megan K. Terrell, Assistant Attorney General
60. Ms. Jan M. Tierney, Attorney
61. Mr. John DuVal Walke
62. Mr. Henry Charles Whitaker, Attorney
63. Mr. Geoffrey L. Wilcox
64. Ms. Hahnah Williams
65. Mary Jo Woods, Special Assistant Attorney General

<SSM_Opinion.pdf>

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 3/1/2024 7:51:42 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

FYI, I'm about to be on driving duty so out of pocket probably the rest of the day. Thanks to you both! Have a great weekend.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 1, 2024, at 2:27 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 01, 2024 2:03 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ah. Got it. Thanks.

Ex. 5 AC/DP

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

On Mar 1, 2024, at 1:42 PM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Ex. 5 AC/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 1:39 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

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

On Mar 1, 2024, at 1:06 PM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Ex. 5 AC/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 1:00 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Bianco, Karen <Bianco.Karen@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

No need to respond if want to keep thinking/digesting.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 1, 2024, at 12:17 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 01, 2024 12:17 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

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

On Mar 1, 2024, at 11:10 AM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 1, 2024 10:46 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Re: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Shit. I am on the road today but hopefully not driving so should be reachable.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 1, 2024, at 10:28 AM, Bianco, Karen <Bianco.Karen@epa.gov> wrote:

Gautam, top line summary quoted from the judgment. Opinion attached.

ORDERED and **ADJUDGED** that the petitions for review be granted and the SIP calls be vacated as to the calls based on automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions; and the petitions for review be denied as to the calls based on the enforcement-discretion provision and affirmative defenses against specific relief, in accordance with the opinion of the court filed herein this date.

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 1, 2024 10:22 AM

To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"



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Opinion.

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Friday, March 1, 2024 10:20 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 03/01/2024 at 10:18:48 AM Eastern Standard Time and filed on 03/01/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
OPINION [2043030] filed PER CURIAM (Pages: 68), OPINION CONCURRING IN PART AND DISSENTING IN PART (Pages: 28) by Judge Pillard. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

Notice will be electronically mailed to:

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Washington, DC 20460

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62. Mr. Henry Charles Whitaker, Attorney
63. Mr. Geoffrey L. Wilcox
64. Ms. Hahnah Williams
65. Mary Jo Woods, Special Assistant Attorney General

<SSM_Opinion.pdf>

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 3/1/2024 8:30:10 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: in a meeting... will call you at 4
Attachments: Texas v EPA - 23-60616 - Oil and Gas Assn - Amicus Brief.pdf

Oops, yes... see attached.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, March 1, 2024 3:28 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: in a meeting... will call you at 4

Ex. 5 AC/AWP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, March 01, 2024 3:26 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: in a meeting... will call you at 4

Ex. 5 AC/AWP

ALL of this outside the comments on the proposal, of course, but ()&*#$)&.

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 1, 2024 3:16 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: in a meeting... will call you at 4

Aw man, sorry to hear that. Do what you gotta do! We can connect on Monday.

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, March 1, 2024 3:14 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: in a meeting... will call you at 4

OK. Having a bad day at the work ranch today. So I may need to go outside and do some primal scream therapy for a while soon.

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 1, 2024 3:11 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: in a meeting... will call you at 4

Message

From: Andrea Issod [andrea.issod@sierraclub.org]
Sent: 3/4/2024 5:23:46 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: pdycus@environmentalintegrity.org; Davis, Emily [edavis@nrdc.org]; Joshua Smith [joshua.smith@sierraclub.org]; Maddie Lipscomb [maddie.lipscomb@sierraclub.org]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject:Re: Findings of failure to submit

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Belated thank you very much for the update.

I wanted to let you know that I happened upon another affirmative defense in Arizona's SIP as I was reviewing a PSD permit for a new electric arc furnace.

R18-2-306(E)
E. Emergency provision. situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, that requires immediate corrective action to restore normal operation and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. 2. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of subsection (E)(3) are met. 3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that: a. An emergency occurred and the permittee can identify the cause or causes of the emergency; b. At the time of the emergency the permitted facility was being properly operated; c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and d. The permittee submitted notice of the emergency to the Director by certified mail, facsimile, or hand delivery within two working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken. 4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. 5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

On Tue, Feb 13, 2024 at 1:02 PM Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov> wrote:

Hi Andrea,

Providing an updated status report below. I removed Arkansas since that one was finalized. Because I'll be traveling internationally without access to email 2/14-25, I've also cc'd my supervisor.

- Alabama: Proposal is in draft stage going through management review. Estimated signature on proposal by March 15.
- California San Joaquin Valley: SJV APCD submitted the SIP revision; we proposed approval on August 10, 2023 (88 FR 54257). Final has been signed and is awaiting publication.
- DC: DC submitted SIP revision and we sent the completeness letter August 14, 2023. Upcoming discussions between Region and DC on next steps.
- Illinois: Proposal is in draft stage going through management review. Estimated signature on proposal in April.
- North Carolina-Forsyth: Proposal is in draft stage going through management review. Estimated signature on proposal by March 15.
- Ohio: Proposal is in draft stage going through management review. Ohio supplemented their original submittal in December. Estimated signature on proposal in March.
- Rhode Island: Rhode Island submitted its SSM on January 29, 2024, and Region sent the completeness letter February 6, 2024. Region is working on proposal.
- South Dakota: Senior management has been briefed and Region continues to discuss corrective action.
- Tennessee-Shelby (Memphis): Proposal is in draft stage going through headquarters review. Estimated signature on proposal by March 15.
- WA-EFSEC and WA-SWCAA: In light of reporting requirements comments, Region talked with SWCAA and EFSEC. SWCAA and EFSEC are both in the process of withdrawing the provisions concerning the reporting requirements comments, and the process is estimated to take 2-3 months. The Region anticipates it should then be able to approve the remainder of their respective submissions to satisfy the SIP call.

Please let me know if you have any questions. I'll be online for the next few hours. Since a few of the rules have estimated proposal dates of March 15, I'll put on my calendar to provide another update on March 19 (Tuesday – to allow for Monday to collect updates from Regions), but please let me know if that date would pose any concerns.

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Andrea Issod <andrea.issod@sierraclub.org>
Sent: Wednesday, January 31, 2024 4:35 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: pdycus@environmentalintegrity.org; Davis, Emily <edavis@nrdc.org>; Joshua Smith <joshua.smith@sierraclub.org>; Maddie Lipscomb <maddie.lipscomb@sierraclub.org>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>
Subject: Re: Findings of failure to submit

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

Great! thank you!

On Wed, Jan 31, 2024 at 1:13 PM Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov> wrote:

Hi Andrea,

I'll plan to provide another update mid-February and a monthly check-in sounds good to me. As a general FYI, I'll be traveling internationally without access to email February 14-25, so I'll aim to provide you the next update before February 14.

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Andrea Issod <andrea.issod@sierraclub.org>
Sent: Wednesday, January 31, 2024 3:43 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: pdycus@environmentalintegrity.org; Davis, Emily <edavis@nrdc.org>; Joshua Smith <joshua.smith@sierraclub.org>; Maddie Lipscomb <maddie.lipscomb@sierraclub.org>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>
Subject: Re: Findings of failure to submit

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

Hi Libby, thanks again for these updates. Would you be willing to give us another update mid-February, and also include the status of the states that withdrew their SIP submissions? We're hoping we can continue to check in monthly after that.

On Tue, Jan 23, 2024 at 12:06 PM Andrea Issod <andrea.issod@sierraclub.org> wrote:

Thank you so much Libby, we very much appreciate the information and will be in touch with questions.

On Wed, Jan 17, 2024 at 12:58 PM Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov> wrote:

Hi Andrea,

Looking forward to working with you and thank you for your patience while I coordinated with the Regions to provide these updates. I should have additional updates soon as some of these are quickly developing over the next few weeks, but please let me know if you'd like to talk more in the meantime.

- Alabama: Proposal is in draft stage. Estimated signature on proposal by February 12.
- Arkansas: Final published October 23, 2023. 88 FR 72686
- California San Joaquin Valley: SJV APCD submitted the SIP revision; we proposed approval on August 10, 2023 (88 FR 54257). Final is in draft stage and it's currently going through management review.
- DC: DC submitted SIP revision and we sent the completeness letter August 14, 2023. Upcoming discussions between Region and DC on next steps.
- Illinois: Proposal is in draft stage going through management review. Estimated signature on proposal in April.
- North Carolina-Forsyth: Proposal is in draft stage going through management review. Estimated signature on proposal by February 12.
- Ohio: Proposal is in draft stage going through management review. Ohio supplemented their original submittal in December. Estimated signature on proposal in March.
- Rhode Island: State level public comment period on proposed revisions ended December 4, 2023. EPA provided minor comments on November 30, 2023. State is preparing to submit and Region will work on taking action ASAP.
- South Dakota: Region is discussing corrective action with an internal briefing scheduled January 23, 2024.
- Tennessee-Shelby (Memphis): Proposal is in draft stage going through management review. Estimated signature on proposal by end of January.
- WA-EFSEC and WA-SWCAA: In light of reporting requirements comments, Region is scheduled to talk with the State this Friday (1/19) to discuss next steps.

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Andrea Issod <andrea.issod@sierraclub.org>
Sent: Wednesday, January 10, 2024 12:27 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Patton Dycus <pdycus@environmentalintegrity.org>; Davis, Emily <edavis@nrdc.org>; Joshua Smith <joshua.smith@sierraclub.org>; Maddie Lipscomb <maddie.lipscomb@sierraclub.org>; Caintic, Paul (ENRD) <paul.caintic@usdoj.gov>; Coghlan, Andrew (ENRD) <andrew.coghlan@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Re: Findings of failure to submit

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

Thank you Seth and all the best for your parental leave! Hello Libby, and I'm looking forward to working with you.

On Wed, Jan 10, 2024 at 8:38 AM Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov> wrote:

Hi Andrea,

Thanks for reaching out. We actually had the same thought today, and are in the process of reaching out to the Regions to get this information. Once we have it together, happy to share.

This is also a good opportunity to introduce you to Libby Pettit, CCed here. Libby has been working with me on SSM issues for a few years now, and she'll be your POC on this topic moving forward—this Friday is my last day before taking about five months of parental leave.

Please let me know if you have any questions.

Thanks,

Seth

Seth Nolbaum (Buchsbaum) (he/him/his)
Attorney-Advisor, EPA Office of General Counsel
202-564-2484

From: Andrea Issod <andrea.issod@sierraclub.org>
Sent: Wednesday, January 10, 2024 11:35 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Patton Dycus <pdycus@environmentalintegrity.org>; Davis, Emily <edavis@nrdc.org>; Joshua Smith <joshua.smith@sierraclub.org>
Cc: Maddie Lipscomb <maddie.lipscomb@sierraclub.org>; Caintic, Paul (ENRD) <paul.caintic@usdoj.gov>; Coghlan, Andrew (ENRD) <andrew.coghlan@usdoj.gov>
Subject: Findings of failure to submit

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

Hi Seth, I'm wondering if we can check in on the status of the 12 states/air divisions subject to the 2022 findings of failure to submit.

Thank you

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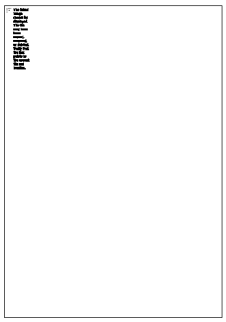

Andrea Issod
Senior Attorney (she/her)
Sierra Club Environmental Law Program
Phone | 415-977-5544
andrea.issod@sierraclub.org

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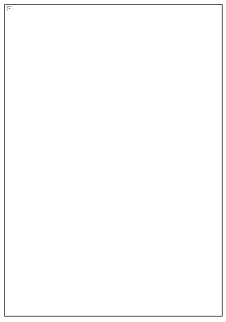

Andrea Issod
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Phone | 415-977-5544
andrea.issod@sierraclub.org

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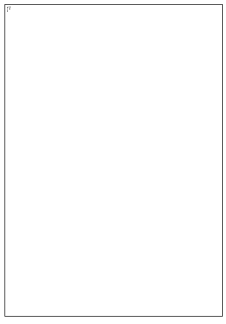

Andrea Issod
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andrea.issod@sierraclub.org

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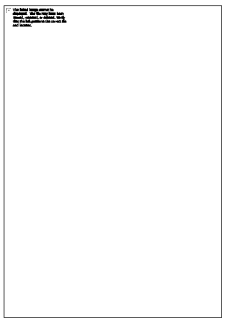

Andrea Issod
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andrea.issod@sierraclub.org

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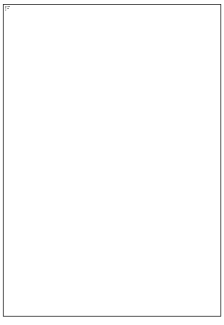

Andrea Issod
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andrea.issod@sierraclub.org

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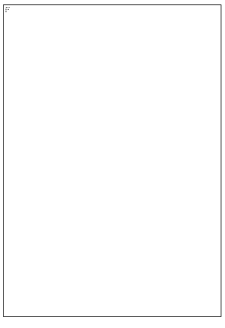

Andrea Issod
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andrea.issod@sierraclub.org

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Message

From: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
Sent: 3/4/2024 9:49:39 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: SSM D.C. Circuit Decision - Practical Effects on EPA Action
Attachments:SSM_Opinion.pdf

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

Hi Libby and Abi,

Ex. 5 AC/AWP

Thanks,
Paul

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/4/2024 11:00:08 PM
To: Lawrence, Sydney [lawrence.sydney@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Silverman, Sean (he/him/his) [Silverman.Sean@epa.gov]; Simcox, Alison [simcox.alison@epa.gov]; Linky, Edward [Linky.Edward@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; Nichols, Serena [Nichols.Serena@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Bartley, Richard [Bartley.Richard@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Keas, Ashley [keas.ashley@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Law, Nicole [Law.Nicole@epa.gov]; Gordon, Elijah [Gordon.Elijah@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Ling, Michael [Ling.Michael@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; Dykes, Teresa [Dykes.Teresa@epa.gov]; Devkota, Om [devkota.om@epa.gov]; Leslie, Michael (he/him/his) [leslie.michael@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]
CC: Akers, Brad [Akers.Brad@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Cherry, Randall [Cherry.Randall@epa.gov]; Curley, Michael [Curley.Michael@epa.gov]; Clark, Adam [Clark.Adam@epa.gov]; Tennenbaum, Susan [Tennenbaum.Susan@epa.gov]; Cobb, Brandon [cobb.brandon@epa.gov]; Bae, Estelle (she/her/hers) [Bae.Estelle@epa.gov]; Bloemer, Matthew [Bloemer.Matthew@epa.gov]; Olson, Bethany (she/her/hers) [olson.bethany@epa.gov]; Goddard, Faith [Goddard.Faith@epa.gov]; Evans-Hopper, La Kenya [EvansHopper.LaKenya@epa.gov]; McKee Perez, Nancy [McKeePerez.Nancy@epa.gov]; Sugerik, Corey (he/him/his) [Sugerik.Corey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf; SSM SIP Status Tracker_static copy.xlsx

Pettit, Elizabeth (Libby) has shared a OneDrive for Business file with you. To view it, click the link below.

SSM SIP Status Tracker.xlsx

Hi SSM Workgroup,

I'm reaching out as follow up from the DC Circuit's SSM decision on Friday.

Ex. 5 AC/AWP

We're planning to talk with DOJ later this week, so if you could add details for the actions listed in the status tracker Excel sheet for your region's states by **noon EST on Thursday**, I'd really appreciate it. In

case there are issues with SharePoint/the Teams site, I also attached a static version of the most recent table in the SSM workgroup on Teams in case it's easier to add in details there.

SSM SIP Status Tracker.xlsx

Ex. 5 AC/AWP

If you have any questions, please let me know. The **OGC retreat is tomorrow and Wednesday**, so Abi and I may be hard to reach until Thursday and I'll likely miss our SSM workgroup call tomorrow. OGC is working on a summary of the decision and working with OAQPS and DOJ to consider the potential implications – so more discussions to come soon.

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Saturday, March 2, 2024 7:46 AM
To: Ruddick, Randall <ruddick.randall@epa.gov>; Silverman, Sean (he/him/his) <Silverman.Sean@epa.gov>; Simcox, Alison <simcox.alison@epa.gov>; Linky, Edward <Linky.Edward@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Nichols, Serena <Nichols.Serena@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gordon, Elijah <Gordon.Elijah@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Ling, Michael <Ling.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Leslie, Michael (he/him/his) <leslie.michael@epa.gov>; Kosin, Michele <Kosin.Michele@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>
Cc: Akers, Brad <Akers.Brad@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Tennenbaum, Susan <Tennenbaum.Susan@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Bae, Estelle (she/her/hers) <Bae.Estelle@epa.gov>; Bloemer, Matthew <Bloemer.Matthew@epa.gov>; Olson, Bethany (she/her/hers) <olson.bethany@epa.gov>; R7-RO2.C-K09-10/R7-RO <R7-RO2.C-K09-10@epa.gov>; Goddard, Faith <Goddard.Faith@epa.gov>; Evans-Hopper, La Kenya <EvansHopper.LaKenya@epa.gov>; McKee Perez, Nancy <McKeePerez.Nancy@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: SSM Decision: RE: SSM Workgroup Call
Importance: High

Hello everyone,

We received the SSM decision from the D.C. Circuit Friday morning, which included a partial vacatur. OGC noted that "Unfortunately, the court has vacated the SIP calls as to 'automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions.' The court further upheld the SIP calls as to the director's discretion provisions, and as to TN's enforcement discretion provisions. The court also denied the Petitioners' challenges to affirmative defenses against monetary damages."

We will be coordinating with OGC early next week to get a more detailed assessment of the decision and discuss its full implications. The SSM SIP call-specific WG is meeting this coming Tuesday at 11a. Our next larger SSM WG meeting is scheduled for March 19 – as we get more information, I will keep this group informed of updates in the meantime.

Thanks,
Sydney

-----Original Appointment-----
From: Lawrence, Sydney
Sent: Tuesday, October 10, 2023 7:16 AM
To: Ruddick, Randall; Lawrence, Sydney; Silverman, Sean (he/him/his); Simcox, Alison; Linky, Edward; McHale, Mary; Nichols, Serena; Snyder, Doug; Huey, Joel; Gross, Louise C; Bartley, Richard; Shar, Alan; Keas, Ashley; HertzWu, Sara; Schmitt, Ellen (she/her/hers); Law, Nicole; Gordon, Elijah; Chen, Eugene; Smith, Noah; Ling, Michael; Nolbaum, Seth (he/him/his); Dain, Gregory; Dykes, Teresa; Pettit, Elizabeth (Libby); Senter, Stephen; Devkota, Om; Leslie, Michael (he/him/his); Kosin, Michele; Wortman, Eric (he/him/his); Lowder, Erin (she/her/hers)
Cc: Akers, Brad; Frizzell, Gretchen (she/her/hers); Cherry, Randall; Curley, Michael; Blakley, Pamela (she/her/hers); Clark, Adam; Tennenbaum, Susan; Cobb, Brandon; Bae, Estelle (she/her/hers); Bloemer, Matthew; Olson, Bethany (she/her/hers); R7-RO2.C-K09-10/R7-RO; Goddard, Faith; Evans-Hopper, La Kenya; McKee Perez, Nancy
Subject: SSM Workgroup Call
When: Tuesday, March 19, 2024 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Please join us by Teams or by phone for the bi-weekly SSM workgroup meeting.

Check out the SSM Teams site for meeting agendas, meeting notes, helpful resources, and more.

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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For all EPA meetings, there is no expectation of privacy regarding any communications. Participation in a recorded meeting will be deemed as consent to be recorded. Information on EPA systems is the property of the Agency and may become official records.

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Message

From: Brown, Lucy E. (ENRD) [Lucy.E.Brown@usdoj.gov]
Sent: 3/4/2024 11:27:31 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]
Subject: RE: CBD v. EPA - Final Brief as filed
Attachments: DN 010111009160 Petitioners Corrected Brief.pdf

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

Hello everyone,

Petitioners' corrected brief with citations to the bates-stamped version of the record is attached. I was able to cross-reference this before filing and it does not impact our citations to their brief, so we don't need to refile (hooray!).

Also wanted to correct my statement below—Colorado's brief is due March 13.

Thanks,
Lucy

From: Brown, Lucy E. (ENRD)
Sent: Monday, February 12, 2024 11:38 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: CBD v. EPA - Final Brief as filed

All—please see attached. Thanks again for all the collaboration and effort on this brief. Unfortunately, I was not able to list EPA counsel on the brief under the local rules.

The State of Colorado's brief is due March 3 and Plaintiffs' reply is due April 3.

Lucy E. Brown
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
(202) 598-1868

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/5/2024 4:31:26 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf; Industry Petitioners 2016 Opening Brief SSM.pdf; State Petitioners 2016 Opening Brief SSM.pdf; EPA 2016 Brief SSM.pdf; Enviro Intervenors 2016 Brief SSM.pdf; Industry Petitioners 2016 Reply Brief SSM.pdf; State Petitioners 2016 Reply Brief SSM.pdf; Industry Petitioners 2022 Supplemental Brief SSM.pdf; State Petitioners 2022 Supplemental Brief SSM.pdf; EPA 2022 Supplemental Brief SSM.pdf; Enviro Intervenors 2022 Supplemental Brief SSM.pdf

CUI//PRIVILEGE

Hi Abi,

I attached my working draft summary of the decision here – I started losing steam and am having trouble staying awake, so I recognized that I wouldn't be able to finish the summary tonight at a reasonable hour. I've attached a SharePoint version of what I have so far with my notes and plan to finish it up Thursday. I'll also bring my laptop in case I should prioritize this and step away during the retreat.

I incorporated Seth's notes below and Corin's writeup on 110(k)(5). I also attached all of the materials attached to Seth's original email along with the opinion and judgment so that everything's in one place.

I'm really sorry about not being able to get a full draft summary of the decision today. I wasn't as efficient on this first day back as I could've been.

SSM Opinion Summary.docx

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, November 14, 2023 1:04 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

From: Buchsbaum, Seth
Sent: Thursday, March 24, 2022 11:11 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Senter, Stephen

<Senter.Stephen@epa.gov>; Lowder, Erin <Lowder.Erin@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

Tomorrow morning, on Friday, March 25, the D.C. Circuit will hear oral argument in *Environ. Comm. Fl. Elec. Power v. EPA*, No. 15-1239. The case is a consolidated set of petitions for review of EPA's June 12, 2015 final action relating to startup, shutdown, and malfunction provisions in SIPs (2015 SSM SIP Action, 80 Fed. Reg. 33,840).

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Seth Buchsbaum (he/him/his)
Attorney-Advisor, EPA Office of General Counsel
202-564-2484

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 3/6/2024 6:37:09 PM
To: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: states PM NAAQS petition
Attachments: states petition.pdf

Apparently the states (led by Kentucky) have filed their petition for review of the PM NAAQS (attached).

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 3/6/2024 6:40:58 PM
To: Sasser, Erika [Sasser.Erika@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Hagan, Nicole [Hagan.Nicole@epa.gov]; Perlmutt, Lars [perlmutt.lars@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: states PM NAAQS petition
Attachments: states petition.pdf

FYI we have the first litigation filed (by 22 states) challenging the PM NAAQS. DOJ is prepared for the possibility someone will seek a stay of the standards but no sign of that yet.

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

Message

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 3/6/2024 7:25:49 PM
To: Orlin, David [Orlin.David@epa.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: states PM NAAQS petition

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Thanks for the heads up David

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, March 6, 2024 1:37 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] states PM NAAQS petition

Apparently the states (led by Kentucky) have filed their petition for review of the PM NAAQS (attached).

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

Message

From: Brown, Lucy E. (ENRD) [Lucy.E.Brown@usdoj.gov]
Sent: 3/6/2024 8:16:39 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]
Subject: RE: CBD v. EPA - Final Brief as filed
Attachments: DN 010111010783 Petitioners' Corrected Brief.pdf

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

All—The corrected brief is attached. Sorry about the confusion (the prior filing was their request for leave to file the brief and a copy of the brief). The Court granted their request, and the attached version is the corrected brief as filed.

Cheers,
Lucy

From: Brown, Lucy E. (ENRD)
Sent: Monday, March 4, 2024 1:28 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - Final Brief as filed

Hello everyone,

Petitioners' corrected brief with citations to the bates-stamped version of the record is attached. I was able to cross-reference this before filing and it does not impact our citations to their brief, so we don't need to refile (hooray!).

Also wanted to correct my statement below—Colorado's brief is due March 13.

Thanks,
Lucy

From: Brown, Lucy E. (ENRD)
Sent: Monday, February 12, 2024 11:38 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: CBD v. EPA - Final Brief as filed

All—please see attached. Thanks again for all the collaboration and effort on this brief. Unfortunately, I was not able to list EPA counsel on the brief under the local rules.

The State of Colorado's brief is due March 3 and Plaintiffs' reply is due April 3.

Lucy E. Brown
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
(202) 598-1868

Message

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 3/6/2024 8:44:06 PM
To: Orlin, David [Orlin.David@epa.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: states PM NAAQS petition

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

Fast movers!

From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, March 6, 2024 1:37 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] states PM NAAQS petition

Apparently the states (led by Kentucky) have filed their petition for review of the PM NAAQS (attached).

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

Message

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 3/6/2024 9:14:48 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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

Hi Abi:

Sorry for my delay – I was just going through my emails again and saw that you asked for a deadline for EPA's recommendation for rehearing en banc. We need your recommendation on rehearing by next Friday, 3/15, and your recommendation on certiorari by the following Friday, March 22.

Thanks!
Sarah

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 4, 2024 6:07 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: [EXTERNAL] RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Hi Paul, Andy, Sarah –

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks again for the initial thoughts, and sorry we're not able to meet sooner than Thursday! Please let me know if you have any immediate reactions to the above, and whether Thursday or Friday works fine for a meeting.

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 4:50 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: SSM D.C. Circuit Decision - Practical Effects on EPA Action



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

Hi Libby and Abi,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Paul

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Message

From: OGCLibrary [OGCLibrary@epa.gov]
Sent: 3/7/2024 12:38:49 PM
To: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Docket Alert for the Case of CHAMBER OF COMMERCE OF THE USA, ET AL v. EPA, ET AL
Attachments: 24-1051_DocketEntry_03-06-2024_.pdf

Good morning,

Attached is the docket alert for case 24-1051.

Let me know if you need further assistance.

Regards,
Kate McAloon
OGC Librarian, Contractor – **ADS** Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
202-564-3971

Message

From: OGCLibrary [OGCLibrary@epa.gov]
Sent: 3/7/2024 12:50:09 PM
To: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Docket Alert for the Case of COMMONWEALTH OF KENTUCKY, ET AL v. EPA, ET AL
Attachments: 24-1050_DocketEntry_03-06-2024_.pdf

Good morning,

Attached is the docket alert for case 24-1050.

Let me know if you need further assistance.

Regards,
Kate McAloon
OGC Librarian, Contractor – **ADS** Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
202-564-3971

Message

From: OGCLibrary [OGCLibrary@epa.gov]
Sent: 3/7/2024 12:54:12 PM
To: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Docket Alert for the Case of STATE OF TEXAS, ET AL v. EPA, ET AL
Attachments: 24-1052_DocketEntry_03-06-2024_.pdf

Good morning,

Attached is the docket alert for case 24-1052.

Let me know if you need further assistance.

Regards,
Kate McAloon
OGC Librarian, Contractor – **ADS** Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
202-564-3971

Message

From: OGC IO Notifications [OGC-IO-Notifications@epa.gov]
Sent: 3/7/2024 3:59:24 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; OGC IO Administrative Professional Staff [OGCFrontOfficeSupportStaff@epa.gov]; OGC Immediate Office MGMT [OGC_Immediate_Office_MGMT@epa.gov]
CC: Orlin, David [Orlin.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: New Litigation: Commonwealth of Kentucky, et al v. EPA, No. 24-1050 (D.C. Cir.) - PM NAAQS
Attachments: 24-1050_DocketEntry_03-06-2024_.pdf

Importance: Low

Date Received: 2024-03-06

Parties/Requestors: Kentucky

Statute: Clean Air Act

Summary of Action:

Petitioners the Commonwealth of Kentucky, the State of West Virginia, the State of Alabama, the State of Alaska, the State of Arkansas, the State of Florida, the State of Georgia, USCA Case #24-1050 Document #2043656 Filed: 03/06/2024 Page 1 of 216 2 the State of Idaho, the State of Indiana, the State of Iowa, the State of Kansas, the State of Louisiana, the State of Mississippi, the State of Missouri, the State of Montana, the State of Nebraska, the State of North Dakota, the State of Ohio, the State of Oklahoma, the State of South Carolina, the State of South Dakota, the State of Tennessee, the State of Utah, and the State of Wyoming petition this Court for review of the final agency action taken by Respondents the United States Environmental Protection Agency and Michael S. Regan, in his official capacity as Administrator of the United States Environmental Protection Agency, entitled "Reconsideration of the National Ambient Air Quality Standards for Particulate Matter," published at 89 Fed. Reg. 16,202 (Mar. 6, 2024).

Does EPA have a statutory obligation to respond?:
By what date?:

Click Here to Open Item

Message

From: graham.cheryl@epa.gov [graham.cheryl@epa.gov]
Sent: 3/7/2024 4:31:27 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: One OGC Docket Case Requires Your Attention as PGL/Team Leader

Hello Abi Vijayan,

The Case issue is: petition for review of EPA's final agency action entitled "Reconsideration of the National Ambient Air Quality Standards for Particulate Matter," at 89 Fed. Reg. 16,202 (Mar. 6, 2024).

As the PGL/Team Leader for this issue, you must assign an attorney to the case. Please perform these steps to assign an attorney:

- Click the link below to see the case form
- Click the Edit button
- On the Attorneys tab, choose an Assigned OGC Attorney
- Click the Save or Save & Close button

Regards,
Cheryl Graham

Link: Commonwealth of Kentucky, et al. - Case No. 24-1050

Message

From: haskins.antonio@epa.gov [haskins.antonio@epa.gov]
Sent: 3/7/2024 4:46:22 PM
To: OGC IT Team [OGC_IT_Team@epa.gov]
CC: Graham, Cheryl [Graham.Cheryl@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Complaint/Petition for Review has been Posted to the Web

The following Complaint/Petition for Review has been posted to the web:

Type: Petition for Review
Date Received: 03/07/2024 07:45 AM
Statute: Clean Air Act; CAA
On Behalf Of: Commonwealth of Kentucky, et al.
General Description: petition for review of EPA's final agency action entitled "Reconsideration of the National Ambient Air Quality Standards for Particulate Matter," at 89 Fed. Reg. 16,202 (Mar. 6, 2024)

Link: Petition for Review

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 3/7/2024 6:05:21 PM
To: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Law360 coverage of the PM NAAQS petition
Attachments: 24-1052_DocketEntry_03-06-2024_.pdf; 24-1051_DocketEntry_03-06-2024_.pdf

Here are two more petitions—Texas and industry—and a trade press article on the Kentucky petition.

Ex. 5 AC/AWP/DP

Large Coalition Of States Sues EPA To Overturn Tougher PM NAAQS

March 6, 2024

A coalition of two dozen states -- 22 led by Republicans and two by Democrats -- is suing EPA to scrap the agency's recently strengthened national ambient air quality standards (NAAQS) for fine particulate matter (PM2.5), in which EPA significantly toughened a key annual health-based limit for the pollutant.

The states filed suit at the first opportunity March 6 in the U.S. Court of Appeals for the District of Columbia Circuit, the same day EPA published the rule in the *Federal Register*, opening a 60-day window for litigants to file petitions for judicial review.

GOP states suing EPA over the rule are: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, West Virginia and Wyoming.

Kansas and Kentucky are the two Democratic-led states that have joined the suit, with their governors urging the Biden administration before the rule was promulgated not to proceed with tougher standards.

"Petitioners will show that the final rule exceeds the agency's statutory authority and otherwise is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Petitioners thus ask that this Court declare unlawful and vacate the agency's final action," the states say in their suit.

Kentucky Attorney General (AG) Russell Coleman (R) and West Virginia AG Patrick Morrisey (R) appear to be leading the effort. While Morrisey has frequently challenged EPA rules, Coleman represents a state with a Democratic governor, Andy Beshear, who along with Kansas' Democratic governor, Laura Kelly, has expressed concern over the potential implications for industry of the tougher NAAQS. Kansas is represented in the suit by its Republican AG, Kris Kobach.

EPA's rule tightens the prior annual "primary," or health-based standard for PM2.5 from 12 micrograms per cubic meter (ug/m3) down to 9 ug/m3, in order to protect public health with the "adequate margin of safety" required by the Clean Air Act.

But industry and GOP critics argue the measure will stymie economic development by imposing tougher air permitting conditions tied to the new limit in 60 days, and by ultimately placing more areas of the country into "nonattainment" with the NAAQS.

Although it will take several years for states and EPA to designate areas in nonattainment, such areas must develop state implementation plans (SIPs) outlining measures to attain the limit, and must impose tougher-still permitting requirements on new and modified industrial facilities.

The rule's critics are likely to attack the soundness of EPA's scientific analysis underlying the NAAQS, but may also target the agency's refusal to consider implementation costs when setting the limit. EPA does not consider costs at this stage, in line with its interpretation of the Clean Air Act and Supreme Court precedent on the issue, only considering implementation issues at the SIP-writing phase.

But some industry attorneys argue that because the rule stems from a discretionary reconsideration of the Trump administration's 2020 decision to leave the PM limits unchanged, and not from an air law-mandated five-year review, EPA must consider costs when setting the limit. Should the issue reach the Supreme Court, now split 6-3 in favor of conservatives, the court could revisit the issue of costs in the NAAQS process.

However, the court would have to overturn or sidestep the precedent set by the late conservative Justice Antonin Scalia in *Whitman v. American Trucking Associations* in 2001, which prohibited consideration of costs in setting the NAAQS

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

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Thursday, March 7, 2024 9:42 AM
To: Orlin, David <Orlin.David@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: Law360 coverage of the PM NAAQS petition

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

https://www.law360.com/environmental/articles/1810761?nl_pk=bf8aee3a-50e5-44b7-b8a0-c0a0ed11e705&utm_source=newsletter&utm_medium=email&utm_campaign=environmental&utm_content=2024-03-07&read_more=1&nlsidx=0&nlaidx=2

Sarah A. Buckley (she/her)
Senior Attorney
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: 3/7/2024 7:02:59 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: RE: Law360 coverage of the PM NAAQS petition

Ex. 5 AC/AWP/DP

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

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Thursday, March 7, 2024 1:15 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: Law360 coverage of the PM NAAQS petition

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

Thanks David. **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: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, March 7, 2024 1:05 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Law360 coverage of the PM NAAQS petition

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Ex. 5 AC/AWP/DP

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March 6, 2024

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The states **filed suit** at the first opportunity March 6 in the U.S. Court of Appeals for the District of Columbia Circuit, the same day EPA published the rule in the *Federal Register*, opening a 60-day window for litigants to file petitions for judicial review.

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EPA's rule tightens the prior annual "primary," or health-based standard for PM2.5 from 12 micrograms per cubic meter (ug/m3) down to 9 ug/m3, in order to protect public health with the "adequate margin of safety" required by the Clean Air Act.

But industry and GOP critics argue the measure will stymie economic development by imposing tougher air permitting conditions tied to the new limit in 60 days, and by ultimately placing more areas of the country into "nonattainment" with the NAAQS.

Although it will take several years for states and EPA to designate areas in nonattainment, such areas must develop state implementation plans (SIPs) outlining measures to attain the limit, and must impose tougher-still permitting requirements on new and modified industrial facilities.

The rule's critics are likely to attack the soundness of EPA's scientific analysis underlying the NAAQS, but may also target the agency's refusal to consider implementation costs when setting the limit. EPA does not consider costs at this stage, in line with its interpretation of the Clean Air Act and Supreme Court precedent on the issue, only considering implementation issues at the SIP-writing phase.

But some industry attorneys argue that because the rule stems from a discretionary reconsideration of the Trump administration's 2020 decision to leave the PM limits unchanged, and not from an air law-mandated five-year review, EPA must consider costs when setting the limit. Should the issue reach the Supreme Court, now split 6-3 in favor of conservatives, the court could revisit the issue of costs in the NAAQS process.

However, the court would have to overturn or sidestep the precedent set by the late conservative Justice Antonin Scalia in *Whitman v. American Trucking Associations* in 2001, which prohibited consideration of costs in setting the NAAQS

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

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Thursday, March 7, 2024 9:42 AM
To: Orlin, David <Orlin.David@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: Law360 coverage of the PM NAAQS petition

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

https://www.law360.com/environmental/articles/1810761?nl_pk=bf8aee3a-50e5-44b7-b8a0-c0a0ed11e705&utm_source=newsletter&utm_medium=email&utm_campaign=environmental&utm_content=2024-03-07&read_more=1&nlsidx=0&nlaidx=2

Sarah A. Buckley (she/her)

Senior Attorney
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: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/7/2024 7:59:52 PM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action
Attachments: SSM SIP Status Tracker_static copy for DOJ 3.7.24.xlsx

CUI//PRIVILEGE

Hi Paul,

Ex. 5 AC/AWP

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, March 5, 2024 5:08 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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

Hi Abi—I sent an invite for 3:15 to 4:00pm on Thursday. Hopefully that still works. Talk to you then!

Best,
Paul

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 4, 2024 8:51 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: [EXTERNAL] RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Good to know the expectation re: the update for your DAAG! Would 3 – 4 pm work for us to meet on Thursday?

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 8:30 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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Hi Abi,

Thanks for getting the regions started on all that! And yes, when are you free on Thursday?

Ex. 5 AC/AWP

Looking forward to connecting later in the week.

Best,
Paul

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 4, 2024 6:07 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: [EXTERNAL] RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Hi Paul, Andy, Sarah –

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks again for the initial thoughts, and sorry we're not able to meet sooner than Thursday! Please let me know if you have any immediate reactions to the above, and whether Thursday or Friday works fine for a meeting.

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 4:50 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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

Hi Libby and Abi,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Paul

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/7/2024 8:43:10 PM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action
Attachments: New Decision in CBD v. EPA, No. 21-3023 & 22-1012 (3rd Cir.); CBD Merits Brief and Supplements.pdf; EPA Reply Brief.pdf; Third Circuit cbc RACT Opinion.pdf

CUI//PRIVILEGE

Summary of Third Circuit 110(l) decision and briefing materials attached.

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

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From: Pettit, Elizabeth (Libby)
Sent: Thursday, March 7, 2024 3:00 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Hi Paul,

Ex. 5 AC/AWP

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, March 5, 2024 5:08 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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Hi Abi—I sent an invite for 3:15 to 4:00pm on Thursday. Hopefully that still works. Talk to you then!

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Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: [EXTERNAL] RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Good to know the expectation re: the update for your DAAG! Would 3 – 4 pm work for us to meet on Thursday?

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 8:30 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action



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Hi Abi,

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Ex. 5 AC/AWP

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Paul

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 4, 2024 6:07 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: [EXTERNAL] RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Hi Paul, Andy, Sarah –

Ex. 5 AC/AWP

Thanks again for the initial thoughts, and sorry we're not able to meet sooner than Thursday! Please let me know if you have any immediate reactions to the above, and whether Thursday or Friday works fine for a meeting.

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 4:50 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: SSM D.C. Circuit Decision - Practical Effects on EPA Action



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Hi Libby and Abi,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Paul

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Message

From: Andrea Issod [andrea.issod@sierraclub.org]
Sent: 3/7/2024 11:00:04 PM
To: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]
CC: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]; Patton Dycus [pdycus@environmentalintegrity.org]; Seth Johnson [sjohnson@earthjustice.org]; Davis, Emily [edavis@nrdc.org]; Joshua Smith [joshua.smith@sierraclub.org]; John Walker [jwalke@nrdc.org]
Subject:Re: [EXTERNAL] SSM SIP Call decision

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Thank you, our team is available Wednesday, 3/13, 2:30–3:00, I've copied them here. We'll look forward to speaking to you then.

On Thu, Mar 7, 2024 at 2:15 PM Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov> wrote:

> Hi Andrea,
>
> I've added David Kaplan (DOJ) and Abi Vijayan (EPA). The best times for us are: Monday, 3/11,3:30–4:00, or Wednesday, 3/13, 2:30–3:00 or 3:30 – 4:00. Do any of those windows work for you?
>
> Thanks,
>
> Andy
>
> **From:** Andrea Issod <andrea.issod@sierraclub.org>
> **Sent:** Wednesday, March 6, 2024 5:02 PM
> **To:** Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
> **Subject:** [EXTERNAL] SSM SIP Call decision

Hi there, I understand this is the team to reach out to about the decision, but please copy others that are left off. Can we find a time to discuss the decision with my environmental intervenor team, perhaps early next week?
--

Andrea Issod
Senior Attorney (she/her)
Sierra Club Environmental Law Program
Phone | 415-977-5544
andrea.issod@sierraclub.org

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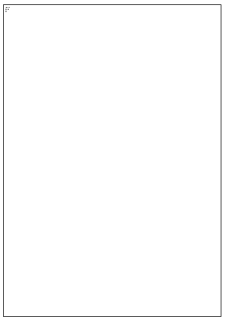
This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

--



Andrea Issod
Senior Attorney (she/her)
Sierra Club Environmental Law Program
Phone | 415-977-5544
andrea.issod@sierraclub.org

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT
This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/8/2024 7:29:29 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

CUI//PRIVILEGE

Thanks, Abi. And sorry to let you down on this one – I knew it wasn't my best work with everything going on, but I could've/should've recognized there wasn't THAT much of a rush here and taken the time to put together a more cohesive and representative summary. Really appreciate your close review and rewrite and will do better next time.

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, March 8, 2024 2:01 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

CUI//PRIVILEGE

Hi Libby,

Ex. 5 AC/DP

Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Monday, March 04, 2024 11:31 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

CUI//PRIVILEGE

Hi Abi,

I attached my working draft summary of the decision here – I started losing steam and am having trouble staying awake, so I recognized that I wouldn't be able to finish the summary tonight at a reasonable hour. I've attached a SharePoint version of what I have so far with my notes and plan to finish it up Thursday. I'll also bring my laptop in case I should prioritize this and step away during the retreat.

I incorporated Seth's notes below and Corin's writeup on 110(k)(5). I also attached all of the materials attached to Seth's original email along with the opinion and judgment so that everything's in one place.

I'm really sorry about not being able to get a full draft summary of the decision today. I wasn't as efficient on this first day back as I could've been.

SSM Opinion Summary.docx

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, November 14, 2023 1:04 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

From: Buchsbaum, Seth
Sent: Thursday, March 24, 2022 11:11 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Lowder, Erin <Lowder.Erin@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

Tomorrow morning, on Friday, March 25, the D.C. Circuit will hear oral argument in *Environ. Comm. Fl. Elec. Power v. EPA*, No. 15-1239. The case is a consolidated set of petitions for review of EPA's June 12, 2015 final action relating to startup, shutdown, and malfunction provisions in SIPs (2015 SSM SIP Action, 80 Fed. Reg. 33,840).

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Seth Buchsbaum (he/him/his)
Attorney-Advisor, EPA Office of General Counsel
202-564-2484

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/8/2024 9:16:07 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Goffman, Joseph [Goffman.Joseph@epa.gov]; Carbonell, Tomas [Carbonell.Tomas@epa.gov]; Niebling, William (he/him/his) [Niebling.William@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Lawrence, Sydney [lawrence.sydney@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; James, Corin [James.Corin01@epa.gov]
Subject: RE: SSM decision - partial vacatur
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Hi everyone,

As promised, a more detailed summary of the opinion. Thanks to Corin and Abi for their contributions to the summary (and to Seth for handling the litigation, who hopefully is enjoying spending time with baby)!

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, March 1, 2024 11:36 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: SSM decision - partial vacatur
Importance: High

Hi all,

The D.C. Circuit just issued the much awaited SSM SIP Call decision (hope Seth is enjoying his parental leave). Unfortunately, the court has vacated the SIP calls as to "automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions." The court further upheld the SIP calls as to the director's discretion provisions, and as to TN's enforcement discretion provisions. The court also denied the Petitioners' challenges to affirmative defenses against monetary damages.

Ex. 5 AC/DP

Again, we are still working through the opinion and will be in touch soon (likely on Monday) with a more detailed summary of the opinion, but wanted you to be aware of the order and opinion as soon as possible. Please let us know if you have any immediate questions, otherwise we'll of course be in touch asap. Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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Message

From: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]
Sent: 3/8/2024 9:36:43 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
Subject: Briefs in Texas v. EPA (SO2)
Attachments: ENV_DEFENSE-#1126261-v1-Texas_v__EPA_(SO2)_OPINION.PDF; ENV_DEFENSE-#982554-v1-Texas_v__EPA_(SO2)_Our_FILED_Brief.PDF; ENV_DEFENSE-#976881-v1-Texas_v__EPA_(SO2)_Opening_Brief_Petitioners.PDF; ENV_DEFENSE-#988323-v1-Texas_v__EPA_(SO2)_Pet__Reply_Brief.PDF; ENV_DEFENSE-#986870-v1-Texas_v__EPA_(SO2)_Sierra_Club_Brief.PDF

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

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail
U.S. Department of Justice
Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/9/2024 7:09:18 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; OGC SIP Group [OGC_SIP_Group@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: addressing FIP/sanctions clocks after vacatur?
Attachments: EME Homer City Generation LP v EPA [DC Cir. 2015].pdf

CUI//PRIVILEGE

FWIW, Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, March 7, 2024 6:27 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: addressing FIP/sanctions clocks after vacatur?

CUI//PRIVILEGE

Hello SIPsters (+some SIP/SIP-adjacent alums who may have experience on this issue) -

Ex. 5 AC/DP

Libby and I welcome any thoughts you may have on this not at all tricky issue as this is all moving fairly quickly. Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with “cubby”)

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Message

From: Lawrence, Sydney [lawrence.sydney@epa.gov]
Sent: 3/11/2024 12:54:54 PM
To: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: SSM updates (week of 3/11/24)
Attachments: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7

Good morning all,

Please see this week's SSM updates.

SSM Hot Issues

Ex. 5 AC/AWP/DP

Meetings for this Week

Ex. 5 AC/AWP/DP

HQ Portal Review

Ex. 5 AC/AWP/DP

Leave Schedules

Ex. 6 Personal Privacy (PP)

Sydney

Sydney Lawrence (she/her)
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
(919) 541-4768 | lawrence.sydney@epa.gov

Message

From: OGCLibrary [OGCLibrary@epa.gov]
Sent: 3/11/2024 1:32:19 PM
To: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Docket Alert for the Case of STATE OF TEXAS, ET AL v. EPA, ET AL
Attachments: 24-1054_DocketEntry_03-08-2024_.pdf

Good morning,

Attached is the docket alert for case 24-1054.

Let me know if you need further assistance.

Regards,
Kate McAloon
OGC Librarian, Contractor – **ADS** Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
202-564-3971

Message

From: Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Sent: 3/11/2024 5:46:18 PM
To: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: ISO recent cases on deference
Attachments: RCU - opinion 3-3-23.pdf

CUI//PRIVILEGE

Hi Hali – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, March 11, 2024 12:58 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: ISO recent cases on deference

CUI//PRIVILEGE

Hi all,

Ex. 5 AC/AWP/DP

Thanks all!
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

Controlled by U.S. Environmental Protection Agency

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/12/2024 1:27:28 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: the SSM cavalry has arrived! RE: Tomorrow's SIP Group Lunch Question: D.C. Circuit SSM SIP Decision
Attachments: FW: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

CUI//PRIVILEGE

Heh. Sounds like we have very similar feelings. Appreciate you joining us in the mud.

Attached is Seth's March 2022 email sent out before the March 25, 2022 oral argument. All **ten** briefs are attached…

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, March 12, 2024 9:18 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: the SSM cavalry has arrived! RE: Tomorrow's SIP Group Lunch Question: D.C. Circuit SSM SIP Decision

CUI//PRIVILEGE

Libby:

Ex. 5 AC/DP

Do you have the briefs in the case handy by any chance? I do not recall what we said to the court about some of the issues. Please advise.

G

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 11, 2024 5:57 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: the SSM cavalry has arrived! RE: Tomorrow's SIP Group Lunch Question: D.C. Circuit SSM SIP Decision

CUI//PRIVILEGE

Hi Libby,

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Monday, March 11, 2024 5:30 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: Tomorrow's SIP Group Lunch Question: D.C. Circuit SSM SIP Decision

CUI//PRIVILEGE

Hi everyone,

Ex. 5 AC/DP

Thanks!

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

Message

From: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 11/14/2023 6:04:10 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: FW: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs
Attachments: Industry Petitioners 2016 Opening Brief SSM.pdf; State Petitioners 2016 Opening Brief SSM.pdf; EPA 2016 Brief SSM.pdf; Enviro Intervenors 2016 Brief SSM.pdf; Industry Petitioners 2016 Reply Brief SSM.pdf; State Petitioners 2016 Reply Brief SSM.pdf; Industry Petitioners 2022 Supplemental Brief SSM.pdf; State Petitioners 2022 Supplemental Brief SSM.pdf; EPA 2022 Supplemental Brief SSM.pdf; Enviro Intervenors 2022 Supplemental Brief SSM.pdf

From: Buchsbaum, Seth
Sent: Thursday, March 24, 2022 11:11 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Lowder, Erin <Lowder.Erin@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

Tomorrow morning, on Friday, March 25, the D.C. Circuit will hear oral argument in *Environ. Comm. Fl. Elec. Power v. EPA*, No. 15-1239. The case is a consolidated set of petitions for review of EPA's June 12, 2015 final action relating to startup, shutdown, and malfunction provisions in SIPs (2015 SSM SIP Action, 80 Fed. Reg. 33,840).

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Seth Buchsbaum (he/him/his)
Attorney-Advisor, EPA Office of General Counsel
202-564-2484

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/12/2024 4:02:15 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Hi Libby and Abi – sadly I will miss your meeting to discuss the SSM case as I've got a conflicting call. But maybe we can schedule a separate call later this week or early next to discuss the question that Gautam asked us to probe below? I will send an invite if that would be OK with you. Thanks much!

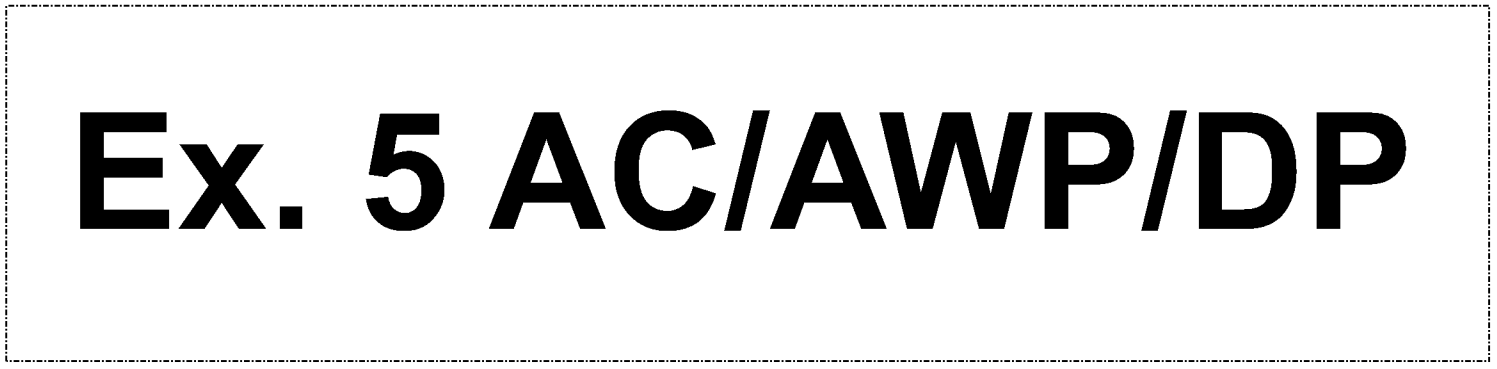
Jeanhee Hong (she/her)
USEPA Office of General Counsel
Air and Radiation Law Office
(202) 565-0040

From: Hong, Jeanhee
Sent: Monday, March 11, 2024 5:21 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Thanks Gautam – I'd be happy to discuss with Libby (and Abi/Mike) after I've read through the entire decision and thought through your questions more carefully. We'll circle back once we have a fuller analysis to share. Thank you.

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, March 11, 2024 2:23 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))



++++++++++++++++

(202) 695-6287
he/him/his

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 6:32 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Hi Gautam,

Ex. 5 AC/AWP/DP

Thanks for prompting us to probe a little more carefully, and hope you both enjoy the weekend!

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 8, 2024 2:17 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Ex. 5 AC/AWP/DP

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

he/him/his

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 2:07 AM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Mike,

Ex. 5 AC/AWP/DP

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

From: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Sent: Friday, March 1, 2024 2:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Jeanhee,

Ex. 5 AC/AWP/DP

Have a good weekend!

Mike

Michael G. Lee (he, him, his) | U.S. Environmental Protection Agency
Assistant General Counsel | Air and Radiation Law Office
Office of General Counsel | (202) 564-5486

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/12/2024 4:59:08 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
Subject: FW: Draft letter recommending en banc in the 4th Circuit in West Virginia v. EPA
Attachments: Letter Recommending Rehearing En Banc West Virginia v. EPA (4th Cir Jan 10 2024) Final 1-29-2024 to sign.pdf

CUI//PRIVILEGE

Here's the letter concerning the 4th Circuit case that Emily just mentioned.

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

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From: Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>
Sent: Monday, January 29, 2024 7:42 AM
To: Seidman, Emily <seidman.emily@epa.gov>; Russell, Maishia <Russell.Maishia@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Draft letter recommending en banc in the 4th Circuit in West Virginia v. EPA

All,

Here you go! I'm so grateful for your work and acumen!

Jeff

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

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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: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 3/12/2024 5:01:37 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: memo seeking rehearing example
Attachments: Request for Rehearing - 2008 ozone SRR_signed.pdf; Request for Rehearing - 2008 ozone SRR - 3.14.18.docx

The pdf is the signed final – the word document is close to but not the actual final.

Karen Bennett Bianco | U.S. Environmental Protection Agency | pronouns: she/hers
Attorney-Adviser | Office of General Counsel | WJCN 7426X | 202-564-3298

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/12/2024 5:04:50 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: EPA Request to File a Petition for a Writ of Certiorari in the U.S. Supreme Court in Calumet Shreveport Refining, LLC, et al. v. EPA, 86 F.4th 1121 (5th Cir. 2023)
Attachments: Calumet Fifth SRE Cert Letter to sign.pdf

Ex. 5 AC/AWP

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

From: Conrad, Daniel <conrad.daniel@epa.gov>
Sent: Tuesday, February 13, 2024 4:33 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Weaver, Susannah <Weaver.Susannah@epa.gov>; McGuire, James <McGuire.James@epa.gov>
Subject: FW: EPA Request to File a Petition for a Writ of Certiorari in the U.S. Supreme Court in Calumet Shreveport Refining, LLC, et al. v. EPA, 86 F.4th 1121 (5th Cir. 2023)

See below and attached. Jeff has sent to Todd so feel free to relay/send to any DOJ counterparts as is appropriate.
-Dan

From: Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>
Sent: Tuesday, February 13, 2024 7:29 PM
To: Kim, Todd (ENRD) <Todd.Kim@usdoj.gov>
Cc: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: EPA Request to File a Petition for a Writ of Certiorari in the U.S. Supreme Court in Calumet Shreveport Refining, LLC, et al. v. EPA, 86 F.4th 1121 (5th Cir. 2023)

Hi Todd,

Please see the attached letter: "EPA Request to File a Petition for a Writ of Certiorari in the U.S. Supreme Court in *Calumet Shreveport Refining, LLC, et al. v. EPA*, 86 F.4th 1121 (5th Cir. 2023)."

As always please feel free to contact me or the EPA OGC team if you have any questions.

Many thanks!

Jeff

Jeffrey M. Prieto
General Counsel
U.S. Environmental Protection Agency

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

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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: Kataoka, Mark [Kataoka.Mark@epa.gov]
Sent: 3/12/2024 5:33:12 PM
To: Wehling, Carrie [Wehling.Carrie@epa.gov]; Nichols, Nathanael (he/him/his) [nichols.nathanael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
Subject: RE: RSC Distribution: March 2024 Tiering List Responses Due COB Mon Mar 18

Congrats Alexis!

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Tuesday, March 12, 2024 1:21 PM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Nichols, Nathanael (he/him/his) <nichols.nathanael@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: RSC Distribution: March 2024 Tiering List Responses Due COB Mon Mar 18

Adding Alexis who is the new PGL for MEL's practice group.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Kataoka, Mark <Kataoka.Mark@epa.gov>
Sent: Tuesday, March 12, 2024 1:13 PM
To: Nichols, Nathanael (he/him/his) <nichols.nathanael@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RSC Distribution: March 2024 Tiering List Responses Due COB Mon Mar 18
Importance: High

I'm forwarding to (in order of the list below):
- Nate for GLO
- Tom for CCILO CEPG
- Abi for ARLO
- Chris for PTSLO
- Carrie for WLO (I'm guessing 11799 would have been in MEL's PG and I don't know who is acting – can you please forward as appropriate?)

Please further forward as needed and enter/update your workgroup members, if any, in the linked SharePoint tiering list **by COB Mon Mar 18.**

MAR24 EAMS Tiering List.docx

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

Mark Kataoka
Assistant General Counsel

Regulatory Issues Practice Group
EPA OGC CCILO
202-564-5584

From: Adams, Darryl <Adams.Darryl@epa.gov>
Sent: Tuesday, March 5, 2024 2:38 PM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>; OCSPP Tiering <OCSPP_Tiering@epa.gov>
Cc: Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: EAMS - RSC Tiering List Distribution: March 2024 Updated Tiering List with Word attachment
Importance: High

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/12/2024 11:37:18 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: FW: Implications of D.C. Cir. SSM decision for 111(d) state plans? -- FW: New SIP SSM Decision - Partial Vacatur
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

CUI//PRIVILEGE

L and AV:

Ex. 5 AC/AWP/DP

G

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From: Hoffman, Howard <hoffman.howard@epa.gov>
Sent: Tuesday, March 12, 2024 7:31 PM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Marks, Matthew <Marks.Matthew@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Implications of D.C. Cir. SSM decision for 111(d) state plans? -- FW: New SIP SSM Decision - Partial Vacatur

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, March 8, 2024 4:22 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: New SIP SSM Decision - Partial Vacatur

CUI//PRIVILEGE

Hi everyone,

Sharing a detailed summary of the opinion. Thanks to Corin and Abi for their contributions to the summary (and to Seth for handling the litigation, Ex. 6 Personal Privacy (PP)

Ex. 5 AC/AWP/DP

Majority Opinion on Petitioners' Challenge to CAA 110(k)(5) SIP Call Authority

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Dissent

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Next Steps

Ex. 5 AC/AWP/DP

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 3/13/2024 1:56:06 AM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Doster, Brian [Doster.Brian@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: Re: ISO a quick consult on impact of decision
Attachments: EPA-HQ-OAR-2012-0322-0029_content (1).pdf; DC Circuit SSM_Opinion.pdf

Adding Mike.
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 12, 2024, at 9:54 PM, Wilcox, Geoffrey <wilcox.geoffrey@epa.gov> wrote:

CUI//PRIVILEGE

Brian and Matt:

I am not sure who all works on NNSR and PSD permitting related issues these days, but I think you both do.

Ex. 5 AC/DP

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

Message

From: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Sent: 3/13/2024 12:18:44 PM
To: McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: SSM update to APMs and ADDs
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Woops please also include these attachments in the distribution.

Dylan Mataway-Novak (he/him/his)
Group Leader, State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Mataway-Novak.Dylan@epa.gov
Phone: (919) 541-5795

From: Mataway-Novak, Dylan (he/him/his)
Sent: Wednesday, March 13, 2024 8:18 AM
To: McEathron, Kimberly (she/her/hers) <McEathron.Kimberly@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: SSM update to APMs and ADDs

Hi Kim,

Can you please share the following update on the SSM court decision with the APM and ADD distribution lists?

Thanks,

Dylan

Regional APMs and ADDS:



Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Dylan Mataway-Novak (he/him/his)
Group Leader, State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Mataway-Novak.Dylan@epa.gov
Phone: (919) 541-5795

Dylan Mataway-Novak (he/him/his)
Group Leader, State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Mataway-Novak.Dylan@epa.gov
Phone: (919) 541-5795

Message

From: McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]
Sent: 3/13/2024 1:47:06 PM
To: Air Division Directors and Deputies [Air_Division_Directors_and_Deputies@epa.gov]; Air Program Managers - Regions [Air_Program_Managers_Regions@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: [ADDs & APMs] SSM SIP Update
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Good Morning ADDs, Deputies and APMs:

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks.

Kimberly McEathron *(she/her)*
OAR Lead Region Coordinator (FY24-25)
US EPA Region 2
Air & Radiation Division
290 Broadway, New York, NY 10007
Office: (212) 637-4228
Work Cell: (631) 565-9391

Regional Air Program Contacts

OAR Lead Region News: Subscribe or Unsubscribe

Message

From: Stahle, Susan [Stahle.Susan@epa.gov]
Sent: 3/13/2024 2:30:11 PM
To: Spina, Providence (she/her/hers) [Spina.Providence@epa.gov]
CC: Prentice, Amanda [Prentice.Amanda@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Question re Impact of DC Cir Fla. Elec. Power Coordinating Group decision on SSM in an active enforcement action
Attachments: New SIP SSM Decision - Partial Vacatur

CUI//PRIVILEGE

Hi Provi –

Ex. 5 AC/AWP/DP

I'm certainly happy to work with all of you but thought it might be best to first let Libby and Abi see your email below and give their reactions to it.

Happy to set up time to discuss or figure out the best way to help you resolve your question so you can proceed with your case.

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

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From: Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>
Sent: Monday, March 11, 2024 9:59 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Prentice, Amanda <Prentice.Amanda@epa.gov>
Subject: Question re Impact of DC Cir Fla. Elec. Power Coordinating Group decision on SSM

CUI//PRIVILEGE

Sue,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Many thanks for your help.

Provi

**

Provi's notes – keeping these here just for reference

Ex. 5 AC/AWP/DP

Providence Spina
(202) 564-2722

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From: Lisa Morelli <Lisa.Morelli@law.njoag.gov>
Sent: Thursday, March 7, 2024 11:37 AM
To: Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>; Prentice, Amanda <Prentice.Amanda@epa.gov>
Subject: FW: Stony Brook Consent Decree - Stipulated Penalties

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

Provi and Amanda:
I immediately thought of Stony Brook after seeing the D.C. Circuit ruling on SSM. I have yet to read the full opinion, and no doubt EPA and DOJ are taking a close look. Maybe we can discuss in the next couple weeks. Of course, I know EPA's position is that, regardless of SSM, Subpart LLL requires continuous compliance at all times, and maybe the answer is that simple.

Lisa Morelli
Deputy Attorney General
State of New Jersey
(609) 376-2740
Work cell: 609-571-8326
Lisa.morelli@law.njoag.gov

From: Diane Alexander <dalexander@mfhenvlaw.com>
Sent: Thursday, March 7, 2024 9:41 AM
To: Prentice, Amanda <Prentice.Amanda@epa.gov>; Lisa Morelli <Lisa.Morelli@law.njoag.gov>; Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>
Subject: [EXTERNAL] RE: Stony Brook Consent Decree - Stipulated Penalties

Thank you Lisa.

I know that it is early days, but is NJDEP (or EPA) reconsidering their position relative to affirmative defenses in light of the recent decision in Env't Comm. of the Fla. Elec. Power Coordinating Grp. v. EPA, D.C. Cir., No. 15-1239, decided on March 1, 2024, wherein the US Court of Appeals for the D.C. Circuit has now clarified the Courts' position regarding affirmative defenses under the Clean Air Act?

Interesting times.

Best regards,
Diane

Diane Alexander, Esq.
Pronouns: She/Her/Hers

MARAZITI
FALCON, LLP

240 Cedar Knolls Road, Suite 301
Cedar Knolls, NJ 07927

973.912.6811 (Direct) | 973.462.8312 (Cell) | 973.912.9008 (Office) | 973.912.9007 (Facsimile)
dalexander@mfhenvlaw.com | http://www.mfhlaw.com
ABA-EPA Law Office Climate Challenge Partner
Please consider the environment before printing this email.

From: Prentice, Amanda <Prentice.Amanda@epa.gov>
Sent: Wednesday, March 6, 2024 3:24 PM
To: Lisa Morelli <Lisa.Morelli@law.njoag.gov>; Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>; Diane Alexander <dalexander@mfhenvlaw.com>
Subject: RE: Stony Brook Consent Decree - Stipulated Penalties

Good catch, DEP!

Amanda M. Prentice
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3209
Email: Prentice.Amanda@epa.gov
Pronouns: she/her

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From: Lisa Morelli <Lisa.Morelli@law.njoag.gov>
Sent: Wednesday, March 6, 2024 1:56 PM
To: Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>; Diane Alexander <dalexander@mfhenvlaw.com>
Cc: Prentice, Amanda <Prentice.Amanda@epa.gov>
Subject: RE: Stony Brook Consent Decree - Stipulated Penalties



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Diane,

Something we all managed to miss, as pointed out to me by DEP: The bypass event for January should be January 24, 2024.
Best,

Lisa Morelli
Deputy Attorney General
State of New Jersey
(609) 376-2740
Work cell: 609-571-8326
Lisa.morelli@law.njoag.gov

From: Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>
Sent: Tuesday, March 5, 2024 12:51 PM
To: Diane Alexander <dalexander@mfhenvlaw.com>
Cc: Prentice, Amanda <Prentice.Amanda@epa.gov>; Lisa Morelli <Lisa.Morelli@law.njoag.gov>
Subject: [EXTERNAL] RE: Stony Brook Consent Decree - Stipulated Penalties

Diane,

Thank you for your e-mail. The November 5, 2022 bypass event should have been included in the initial list of bypass events that may be subject to stipulated penalties. Also, since the time of my January 3, 2024 e-mail, the Governments have identified three more events that may be subject to stipulated penalties. Here is the updated table:

Consent Decree Provision	Status	Penalty	Penalty details

Paragraph 20: Compliance with Operating Parameter Limits. Except as set forth below, SBRSA shall comply with the operating parameter limits that were confirmed, established, or re-established in the most recent Subpart LLL performance test. Paragraph 47: Operating Parameter Limits. The following stipulated penalties shall accrue per violation per Day for each violation of Paragraph 20 requirement to comply with operating parameter limits. *Period of Continuous Noncompliance* *Penalty per Violation per Day* 1st through 5th Day $250.00	SBRSA reported violations of the 12-hour block average minimum power input for the WESP on January 10, 2024.	$250	$250 x 1 Day
Paragraph 22: From the Date of Lodging, each use of the bypass stack at any time that sewage sludge is in the combustion chamber shall be subject to stipulated penalties as an emission limit violation as set forth in Paragraph 48. Paragraph 48: Bypass Events. The following stipulated penalties shall accrue per incident in which SBRSA violates emission limits by use of the bypass stack in violation of Paragraph 22. *Per bypass incident* $3,000	SBRSA reported use of the bypass stack on the following dates: • November 5, 2022 • May 9, 2023 • October 13, 2023 • October 23, 2023 • November 12, 2023 • January 24, 2023 • February 15, 2024	$21,000	$3,000 x seven (7) incidents

By this e-mail the United States and New Jersey invite a response from SBRSA concerning these four violations. This e-mail does not constitute a formal written demand for payment of stipulated penalties under Paragraph 53 of the Consent Decree.

Please let us know by March 15 if you have any questions or comments beyond those provided on January 19, 2024. We look forward to receiving SBRSA's response.

Providence Spina
(202) 564-2722

From: Diane Alexander <dalexander@mfhenvlaw.com>
Sent: Friday, January 19, 2024 12:38 PM

To: Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>
Cc: Prentice, Amanda <Prentice.Amanda@epa.gov>; Lisa.Morelli <Lisa.Morelli@law.njoag.gov>
Subject: RE: Stony Brook Consent Decree - Stipulated Penalties

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

SBRSA's only comment is more of a question as the events listed do not include the Emergency Bypass event of November 5, 2022, which was due to a power outage (due to animal contact). Was that intentional?

Hope that all is well.
Best regards,
Diane

From: Spina, Providence (she/her/hers) <Spina.Providence@epa.gov>
Sent: Wednesday, January 3, 2024 10:38 AM
To: Diane Alexander <dalexander@mfhenvlaw.com>
Cc: Prentice, Amanda <Prentice.Amanda@epa.gov>; Lisa.Morelli <Lisa.Morelli@law.njoag.gov>
Subject: Stony Brook Consent Decree - Stipulated Penalties

Diane,

I am writing to provide notice to Stony Brook Regional Sewerage Authority (SBRSA) that the United States and New Jersey have identified violations of the Consent Decree entered in *United States and State of New Jersey v. Stony Brook Regional Sewerage Authority*, No. 3:22-cv-05922 (D.N.J.) that may be subject to stipulated penalties of $12,000 as set forth in the table below.

Consent Decree Provision	Status	Penalty	Penalty details
Paragraph 22: From the Date of Lodging, each use of the bypass stack at any time that sewage sludge is in the combustion chamber shall be subject to stipulated penalties as an emission limit violation as set forth in Paragraph 48. Paragraph 48: Bypass Events. The following stipulated penalties shall accrue per incident in which SBRSA violates emission limits by use of the bypass stack in violation of Paragraph 22. *Per bypass incident* $3,000	SBRSA reported use of the bypass stack on the following dates: • May 9, 2023 • October 13, 2023 • October 23, 2023 • November 12, 2023	$12,000	$3,000 x four (4) incidents

By this e-mail the United States and New Jersey invite a response from SBRSA concerning these four violations. This e-mail does not constitute a formal written demand for payment of stipulated penalties under Paragraph 53 of the Consent Decree.

Please let us know if you have any questions, and we look forward to receiving SBRSA's response.

Providence Spina, Attorney-Advisor
U.S. Environmental Protection Agency
Office of Civil Enforcement, Air Enforcement Division
Ph: 202-564-2722

Mailing Address for USPS:
1200 Pennsylvania Avenue, N.W.
Mail Code 2242A
Washington, D.C. 20460

Mailing/Delivery Address for other carriers and for couriers:
1200 Pennsylvania Avenue, N.W.
Clinton Federal Building (South) Room 2149A
Washington, D.C. 20004

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CONFIDENTIALITY NOTICE The information contained in this communication from the Office of the New Jersey Attorney General is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Office of the Attorney General at (609) 292-4925 to arrange for the return of this information.

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/13/2024 5:47:47 PM
To: Dykes, Teresa [Dykes.Teresa@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: ISO an OECA consult on DC Circuit decision
Attachments: DC Circuit SSM_Opinion.pdf

T:

Per our discussion, we in OGC would really appreciate input from OECA on the potential impacts of this decision.

Ex. 5 AC/AWP/DP

Please let us know if you have questions about what we are seeking. Thank you for pitching in on this with us!

G

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/14/2024 1:44:56 AM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Just closing the loop on our discussion today a Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, March 11, 2024 2:23 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Thanks Jeanhee. I'm looping Libby and Abi back into the conversation. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 6:32 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Hi Gautam,

Ex. 5 AC/AWP/DP

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 8, 2024 2:17 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Ex. 5 AC/AWP/DP

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

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 2:07 AM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Mike,

Ex. 5 AC/AWP/DP

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

From: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Sent: Friday, March 1, 2024 2:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew

<Marks.Matthew@epa.gov>
Subject: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Jeanhee,

Ex. 5 AC/AWP/DP

Have a good weekend!

Mike

Michael G. Lee (he, him, his) | U.S. Environmental Protection Agency
Assistant General Counsel | Air and Radiation Law Office
Office of General Counsel | (202) 564-5486

Message

From: Marks, Matthew [Marks.Matthew@epa.gov]
Sent: 3/14/2024 1:40:53 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

CUI//PRIVILEGE

Yes, thanks Jeanhee. Let's proceed as we discussed yesterday. It will be interesting to see how the petitioner seeks to use the SSM SIP Call decision in their brief.

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

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, March 14, 2024 9:30 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

CUI//PRIVILEGE

J:

Thank you for digging in and providing this careful analysis. Very helpful.

G

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From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, March 13, 2024 9:56 PM

To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

CUI//PRIVILEGE

Small clarifications below, and adding CUI tag.

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From: Hong, Jeanhee
Sent: Wednesday, March 13, 2024 6:45 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Just closing the loop on our discussion today about the title V affirmative defense (AD) rule -- for Libby's benefit, and to clear up any confusion my earlier reply (sent in haste, sorry) might have caused:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, March 11, 2024 2:23 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Ex. 5 AC/AWP/DP

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

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 6:32 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Hi Gautam,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks for prompting us to probe a little more carefully, and hope you both enjoy the weekend!

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 8, 2024 2:17 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Ex. 5 AC/AWP/DP

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

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, March 8, 2024 2:07 AM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Mike,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Sent: Friday, March 1, 2024 2:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: we now have a decision in the SIP call case (ECFEPCG v. EPA, No. 15-1239 (D.C. Cir.))

Jeanhee,

Ex. 5 AC/AWP/DP

Have a good weekend!

Mike

Michael G. Lee (he, him, his) | U.S. Environmental Protection Agency
Assistant General Counsel | Air and Radiation Law Office
Office of General Counsel | (202) 564-5486

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/14/2024 3:27:48 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: ISO a reality check
Attachments: final sip call FRN.pdf

CUI//PRIVILEGE

M, J and L:

Ex. 5 AC/DP

Thoughts?

G

Ex. 5 AC/DP

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Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 3/14/2024 3:49:34 PM
To: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
CC: Talty, Mark [Talty.Mark@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: Texas v. EPA (SO2) - EPA cases on technical deference
Attachments: MOG opinion 3-3-23.pdf; Third Circuit CBD RACT Opinion.pdf; PEER 7.25.23 Order Denying Petition for Review.pdf

Hi Perry,

Ex. 5 AC/AWP/DP

Thanks so much,
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

From: Kerr, Hali (she/her/hers)
Sent: Monday, March 11, 2024 4:14 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: RE: Briefs in Texas v. EPA (SO2)

Great, thanks! **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, March 11, 2024 4:12 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas,

Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: RE: Briefs in Texas v. EPA (SO2)

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Hali,

An extra few days for your comments is fine.

Ex. 5 AC/AWP/DP

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail
U.S. Department of Justice
Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, March 11, 2024 4:08 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: [EXTERNAL] RE: Briefs in Texas v. EPA (SO2)

Hi Perry,

We were able to circle up over here and have two questions for you:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks very much,
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

From: Kerr, Hali (she/her/hers)
Sent: Monday, March 11, 2024 2:38 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: RE: Briefs in Texas v. EPA (SO2)

Great news! Thank you Perry!

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, March 11, 2024 1:02 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: RE: Briefs in Texas v. EPA (SO2)



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Hi All,

Ex. 5 AC/AWP/DP

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail
U.S. Department of Justice
Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, March 11, 2024 12:53 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: [EXTERNAL] RE: Briefs in Texas v. EPA (SO2)

Thanks so much for all of these materials, Perry. Talk to you soon.

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, March 8, 2024 5:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: RE: Briefs in Texas v. EPA (SO2)



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Enclosed is the Motion for an extension that we just filed. I will let you know when we hear from the Court. Nice talking to you and have a great weekend.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail
U.S. Department of Justice
Environment & Natural Resources Div.

Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

From: Rosen, Perry (ENRD)
Sent: Friday, March 8, 2024 4:37 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Subject: Briefs in Texas v. EPA (SO2)

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

Address for Overnight Mail
U.S. Department of Justice
Environment & Natural Resources Div.
Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 3/14/2024 11:16:30 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Draft GHG pager
Attachments: DRAFT GHG Pager Feb 2024_updated.docx

CUI//PRIVILEGE

Hi Gautam (and Abi),

I'm attaching the GHG pager for your awareness – I actually had a fair number of edits, so I'm not sure this will move before Abi returns and hopefully she'll have a chance to review. That said, Gautam, if have a chance to take a look and anything jumps out at you, or there's anything you'd like to discuss, just let me know.

Thanks,
Melina

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/15/2024 12:06:49 AM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilson, Adam [wilson.adam@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: per your request - more detail on Ex. 5 AC/AWP/DP
Attachments: First Circuit Natural Resources Defense Council Inc Project on Clean Air v EPA.pdf; 2nd Circuit Natural Resources Defense Council Inc v US Environmental Protection Agency.pdf; 5th Circuit BCCA Appeal Group v US EPA.pdf; 9th Circuit Association of Irritated Residents v US EPA.pdf; L REV REVIVING THE CLEAN AIR ACTS REQUIREMENT THAT STATES ADEQUATELY FUND AND STAFF CL.pdf

SW:

You asked for some additional information Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Please let me know if this provides what you need or if you have additional questions.

G

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 3/15/2024 2:53:40 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Draft GHG pager

CUI//PRIVILEGE

Just to help you catch up – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 15, 2024 9:59 AM
To: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: Draft GHG pager

PS- After looking again with non-late night eyes, my reactions are far more mild. Just will need a minute or so to ask you a question or two.

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

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Friday, March 15, 2024 8:41 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Draft GHG pager

That works – thanks!

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 15, 2024 8:32 AM
To: Williams, Melina <Williams.Melina@epa.gov>
Subject: Re: Draft GHG pager

Why don't we just hang on after the T6/AIM check-in?
++++++++++++++++++++++

he/him/his
(202) 695-6287

On Mar 15, 2024, at 7:25 AM, Williams, Melina <Williams.Melina@epa.gov> wrote:

CUI//PRIVILEGE

Thanks for taking a look, Gautam. That sounds good - it looks like we both are free at 10:30 or 11:30 if either of those is good for you? There's also availability later in the day if that would be better.

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, March 14, 2024 9:21 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Draft GHG pager

CUI//PRIVILEGE

Thanks, Melina. I have several reactions to this paper. If you're working tomorrow, maybe we can chat?

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

Controlled by U.S. Environmental Protection Agency

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Thursday, March 14, 2024 7:17 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Draft GHG pager

CUI//PRIVILEGE

Hi Gautam (and Abi),

I'm attaching the GHG pager for your awareness – I actually had a fair number of edits, so I'm not sure this will move before Abi returns and hopefully she'll have a chance to review. That said, Gautam, if have a chance to take a look and anything jumps out at you, or there's anything you'd like to discuss, just let me know.

Thanks,
Melina

Controlled by U.S. Environmental Protection Agency

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 3/15/2024 9:42:11 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Texas v EPA - Legal Arguments
Attachments: ENV_DEFENSE-#1156365-v1-Texas_v_EPA_-_EPA_Answering_Brief_-_Draft EPA shared version.docx

CUI//PRIVILEGE

Thanks, Ben. I'll take a closer look at this on Monday Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Let us know if you want to set up some time to discuss any of our comments or anything else.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 14, 2024 8:54 PM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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

Attached is my argument fleshed out with some thoughts / edits from Eric. This addresses some of Geoff's concerns and I think is a solid starting spot. Additional input very welcome..

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 14, 2024 1:33 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Thanks, Ben. Geoff and I took a quick look and added some initial thoughts to hopefully help as you get started drafting.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 14, 2024 12:38 PM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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All –

Following our call yesterday, I've put together the attached quick outline of our revised argument. I welcome your input it on it as I work to turn this into prose.

Thanks!

Ben

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, March 13, 2024 9:46 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Thanks Ben. I'm coordinating schedules with Geoff and will set something up for the three of us sometime today.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Wednesday, March 13, 2024 9:01 AM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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I'm happy to discuss today – and may have overstated / mis-stated the scope of the intended reframing.

Ex. 5 AC/AWP/DP

I'm generally available after 11a today to discuss. Let me know a good time for your team.

And thanks!

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, March 12, 2024 7:32 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hi again Ben, Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I think it could make sense for us to discuss tomorrow to understand if we're missing something here and to make sure we're all on the same page with how we should proceed? Let me know what times you're available and I can set something up.

The Court's interpretation of the statute in the *Sierra Club* decision, which requires contingency measures be prospective and conditional, applies across the U.S.[3] EPA acknowledges that it had previously interpreted the requirement differently, but now agrees that the plain language of section 172(c)(9) and section 182(c)(9) require that contingency measures be both conditional and prospective. EPA's prior interpretation was premised on the theory that the statutory language is ambiguous, and that it was reasonable to interpret it to allow for other approaches.

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, March 12, 2024 6:33 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Ben:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Tuesday, March 12, 2024 5:20 PM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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

All –

Ex. 5 AC/AWP/DP

Let me know if this gives you heartburn. I'm going to work on writing this version of the argument and will have it in the next draft.

Thanks!

Ben

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 7, 2024 4:58 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Thanks, Ben! We'll take a look and keep you posted on the timing on our end.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 7, 2024 1:49 PM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE



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All –

In the interest of getting a draft in front of Josh before he's out next week, here's the current state of the brief. I've only just started to polish the prose and make it read like an actual argument, but I think I like the general organization and content in each section.

I will continue to polish and revise into early next week. Please me send me your comments / edits / re-writes by next Tuesday (3/12) if possible. I can then turn around a new version (incorporating your edits) by Thursday (3/14) and we'll be (slightly) ahead of schedule.

Thanks!

Ben

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Thursday, February 29, 2024 9:08 AM
To: 'James, Corin' <James.Corin01@epa.gov>; 'Olszewski, Joshua' <olszewski.joshua@epa.gov>
Cc: 'Wilcox, Geoffrey' <wilcox.geoffrey@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

All –

Ex. 5 AC/AWP/DP

Thanks!

From: Grillot, Benjamin (ENRD)
Sent: Wednesday, February 28, 2024 2:39 PM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

Thanks again, Corin.

This won't help answer any questions, but I'm attaching my (very very very) rough draft of the Background section of the brief to give a you a sense of where I am so far.

Any edits / comments / thoughts you might have are welcome – though not urgent, as I will likely end up revising this after we talk tomorrow.

From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, February 27, 2024 3:28 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hey Ben, thanks – these are great questions!

I think a call to discuss soon before you get too far would make sense so we can help illuminate some of these issues. I'd like to include my colleague Geoff (cc'd) who has much more background knowledge on all of this and who worked closely with R8 on the TX disapproval. I may include another colleague who worked on the action as well – waiting to hear back on bandwidth.

I'd be happy to set something up if you let me know some days/times that would work for you.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Tuesday, February 27, 2024 2:27 PM

To: Olszewski, Joshua <olszewski.joshua@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: Texas v EPA - Legal Arguments

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

Team EPA:

As I'm working through the Petitioner's brief, I'd like to get your thoughts on how best to address t Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Let me know if it would make more sense to discuss all of this on a call.

Thank you!

Ben

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 3/15/2024 10:26:40 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Draft GHG pager

CUI//PRIVILEGE

Hi Abi,

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks,
Melina

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

Controlled by U.S. Environmental Protection Agency

From: Williams, Melina
Sent: Friday, March 15, 2024 10:54 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: Draft GHG pager

Just to help you catch up – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 15, 2024 9:59 AM
To: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: Draft GHG pager

PS- After looking again with non-late night eyes, my reactions are far more mild. Just will need a minute or so to ask you a question or two.

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

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Friday, March 15, 2024 8:41 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Draft GHG pager

That works – thanks!

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, March 15, 2024 8:32 AM
To: Williams, Melina <Williams.Melina@epa.gov>
Subject: Re: Draft GHG pager

Why don't we just hang on after the T6/AIM check-in?
++++++++++++++++++++++
he/him/his
(202) 695-6287

On Mar 15, 2024, at 7:25 AM, Williams, Melina <Williams.Melina@epa.gov> wrote:

CUI//PRIVILEGE

Thanks for taking a look, Gautam. That sounds good - it looks like we both are free at 10:30 or 11:30 if either of those is good for you? There's also availability later in the day if that would be better.

Melina Williams (she/hers) | US EPA | Office of General Counsel | (202) 564-3406 (office)

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, March 14, 2024 9:21 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Draft GHG pager

CUI//PRIVILEGE

Thanks, Melina. I have several reactions to this paper. If you're working tomorrow, maybe we can chat?

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

Controlled by U.S. Environmental Protection Agency

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Thursday, March 14, 2024 7:17 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Draft GHG pager

CUI//PRIVILEGE

Hi Gautam (and Abi),

I'm attaching the GHG pager for your awareness – I actually had a fair number of edits, so I'm not sure this will move before Abi returns and hopefully she'll have a chance to review. That said, Gautam, if have a chance to take a look and anything jumps out at you, or there's anything you'd like to discuss, just let me know.

Thanks,
Melina

Controlled by U.S. Environmental Protection Agency

Message

From: Lawrence, Sydney [lawrence.sydney@epa.gov]
Sent: 3/18/2024 1:08:41 PM
To: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Subject: SSM updates (week of 3/18/24)
Attachments: RE: SSM decision - partial vacatur

Good morning everyone,

I'm hoping I've correctly captured the latest SSM updates/various activity going on this week. OGC: if you have any new updates or corrections, please let me know!

SSM Hot Issues

SSM SIP Call Litigation: DC Circuit decision released on 3/1/24.

Ex. 5 AC/AWP/DP

Leave Schedules

- **Ex. 6 Personal Privacy (PP)**

Sydney

Sydney Lawrence (she/her)
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
(919) 541-4768 | lawrence.sydney@epa.gov

Message

From: May, Lucas [May.Lucas@epa.gov]
Sent: 3/18/2024 2:54:20 PM
To: Stahle, Susan [Stahle.Susan@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Averback, Jonathan [Averback.Jonathan@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]
CC: Marks, Matthew [Marks.Matthew@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: Dancer case, dismissal of counts against EPA
Attachments: 133 Opinion.pdf

CUI//PRIVILEGE

Hello ARLO folks (Sue, Brian, Abi, Lea, David, Jon, Mike & Mike, Meredith, and JeanHee – [I hope I remembered everyone!]) who helped me with the Dancer case,

An order was issued in the *Dancer* case, and all counts were dismissed against EPA. The counts were dismissed on the basis, generally, that (1) EPA possesses sovereign immunity (specifically ruling on Title VI claims); (2) EPA possesses immunity under Section 1983; and (3) Section 304 of the CAA does not *compel* EPA action, as was requested by Plaintiffs.

Thank you all very much for the *significant* amount of time and effort that you put in – in helping explain how the specific CAA programs tie together, as well as explaining the relevant caselaw & history relating to the jurisdictional requirements arising under both 304 and 307. Without y'all's help, I could not have navigated this case!

Luke May (He/Him)
Attorney-Advisor, EPA OGC
Air & Radiation Law Office
Office Location: WJC 7013D

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/18/2024 10:48:20 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: ISO a consult on deference/indeference
Attachments: Louisiana Environmental Action Network v US EPA.pdf; Sierra Club v Environmental Protection Agency.pdf; Oct 2023 FRM.pdf

CUI//PRIVILEGE

AV:

Just FYI, C really jumped on this and did an excellent job laying out the questions for Mark. Not surprising at all, but much appreciated to have someone get so into it so well.

G

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, March 18, 2024 5:56 PM
To: Talty, Mark <Talty.Mark@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: ISO a consult on deference/indeference

CUI//PRIVILEGE

Thanks, Mark.

Ex. 5 AC/AWP/DP

Attached are a couple relevant materials:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Talty, Mark <Talty.Mark@epa.gov>
Sent: Monday, March 18, 2024 3:50 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: ISO a consult on deference/indeference

CUI//PRIVILEGE

Hi, Geoff. I'm happy to discuss this issue with the group. Feel free to provide any specific portions of the historic backdrop (i.e., certain cases or rules) that you think might be helpful in advance of our meeting.

Best regards,

Mark

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, March 18, 2024 3:07 PM
To: Talty, Mark <Talty.Mark@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: ISO a consult on deference/indeference

CUI//PRIVILEGE

Mark:

Ex. 5 AC/AWP/DP

Can we please have a consultation on this issue with you? If you are not the correct person, can you please name names?

G

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/19/2024 9:27:59 PM
To: Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
Subject: follow up on remedy issue
Attachments: North Carolina v EPA.pdf

CUI//PRIVILEGE

DOJ Friends:

Ex. 5 AC/AWP/DP

G

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Message

From: Lawrence, Sydney [lawrence.sydney@epa.gov]
Sent: 3/20/2024 11:18:52 AM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: more document follow up
Attachments: SSM SIP_planned final action by state_2015-05-04.docx

CUI//PRIVILEGE

Morning Geoff! Lisa had previously shared this "planned final action" file with me – I think this may be what you are after. Dated May 2015.

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, March 19, 2024 9:15 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: more document follow up

CUI//PRIVILEGE

SL:

Hey, back in the day Lisa Sutton had Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP Do you have that?

Ex. 5 AC/AWP/DP

G

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Message

From: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]
Sent: 3/20/2024 2:57:34 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: RE: Example of cross-cutting SSM exemption
Attachments: ENV_DEFENSE-#986805-v1-SSM_SIP_planned_final_action_by_state_2015-05-04_(002).docx

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

Hi all,

The attached table, which Sarah generated in preparation for oral argument, lists each of the SIP provisions that EPA called in 2015. Passing this along in case it's useful.

Thanks,

Andy

From: Coghlan, Andrew (ENRD)
Sent: Tuesday, March 19, 2024 5:24 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: Example of cross-cutting SSM exemption

Hi Geoff and Abi,

Ex. 5 AC/AWP/DP

. . .

Ex. 5 AC/AWP/DP

Thanks,

Andy

Andrew Coghlan
Trial Attorney
United States Department of Justice
Environmental Defense Section
(202) 514-9275
4 Constitution Square
150 M Street, NE
4.1122
Washington, DC 20002

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/20/2024 8:59:26 PM
To: Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: follow up on remedy issue
Attachments: North Carolina v EPA.pdf

CUI//PRIVILEGE

DOJ Friends:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Please advise.

G

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Wilcox, Geoffrey
Sent: Tuesday, March 19, 2024 5:28 PM
To: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: follow up on remedy issue

DOJ Friends:

Ex. 5 AC/AWP/DP

G

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 3/20/2024 9:08:33 PM
To: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
CC: Talty, Mark [Talty.Mark@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc
Attachments: 2024.02.23 Petition for Rehearing En Banc - annotated by OGC ORC.docx

CUI//PRIVILEGE

Hi Perry,

The team over here has marked up Ps' petition for rehearing en banc pretty significantly. I am attaching that for your reference. I will also forward you a helpful email exchange with some of our technical folks.

We are starting to get questions from our management on the plan here. Do you have a sense of the internal timeline, and when we, and specifically our management, may be able to review a draft response?

Please let me know what else we can do to help.

Many thanks,
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/21/2024 12:58:26 PM
To: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

J:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 12:07 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Wednesday, March 20, 2024 8:56 PM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Mike,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP . And I'll look for a time for us to discuss with Dan tomorrow or Friday.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP What's your availability like the rest of this week?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management a Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP I'm happy to set up a call at some point if that would help. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Do you want to take a look at the motion to govern? Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Sounds good. Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Yes, agreed. I'll try to keep track of our next deadline so we have time to work with you on t Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP Thanks very much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

That makes sense. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

Jeanhee Hong (she/her)

USEPA Office of General Counsel
Air and Radiation Law Office
(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

before we advise our clients. Thoughts?

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks for clarifying that. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP (Many thanks to Seth for the great idea!) Please let me know if you need any more information.

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/21/2024 1:20:15 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Subject: follow up on remedy issue
Attachments: ENV_DEFENSE-#1161490-v1-SSM_--_Research_--_Petition_for_Rhg_in_CAIR_case.PDF

CUI//PRIVILEGE

L and A:

Ex. 5 AC/AWP/DP

Thoughts?

G

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Kaplan, David (ENRD)
Sent: Wednesday, March 20, 2024 5:12 PM
To: Wilcox, Geoffrey ; Buckley, Sarah (ENRD) ; Caintic, Paul (ENRD) ; Coghlan, Andrew (ENRD)
Cc: Pettit, Elizabeth (Libby) ; Vijayan, Abi
Subject: RE: follow up on remedy issue

CUI//PRIVILEGE

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Just found it. See attached

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey
Sent: Wednesday, March 20, 2024 4:59 PM
To: Kaplan, David (ENRD) ; Buckley, Sarah (ENRD) ; Caintic, Paul (ENRD) ; Coghlan, Andrew (ENRD)
Cc: Pettit, Elizabeth (Libby) ; Vijayan, Abi
Subject: [EXTERNAL] FW: follow up on remedy issue

CUI//PRIVILEGE

DOJ Friends:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey
Sent: Tuesday, March 19, 2024 5:28 PM
To: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: follow up on remedy issue

DOJ Friends:

Ex. 5 AC/AWP/DP

G

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/21/2024 4:44:24 PM
To: McNerney, Matthew [McNerney.Matthew@epa.gov]
CC: Smith, Isabella [Smith.Isabella@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Texas SIP - Next Steps for OGC
Attachments: Comments_AirLawforAll_NPRM_TX_NSRUpdatesPEA (1).pdf

CUI//PRIVILEGE

Thanks, Matt. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: McNerney, Matthew <McNerney.Matthew@epa.gov>
Sent: Thursday, March 21, 2024 12:36 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: Texas SIP - Next Steps for OGC

CUI//PRIVILEGE

Thanks, Libby. Attached here is Air Law for All's comments, which raise 110(l) starting on page 8.

Best,
Matt

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, March 21, 2024 12:31 PM
To: McNerney, Matthew <McNerney.Matthew@epa.gov>
Cc: Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: Texas SIP - Next Steps for OGC

CUI//PRIVILEGE

Hi Matt,

Do you have the comment letter the mentions 110(l)? Just want to confirm we're not missing anything.

Thanks!

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

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From: Pettit, Elizabeth (Libby)
Sent: Thursday, March 21, 2024 12:02 PM
To: McNerney, Matthew <McNerney.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Doster, Brian <Doster.Brian@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: Texas SIP - Next Steps for OGC

Hi Matt,

Thanks for taking the time to talk with Bella and me about the Texas SIP today. As discussed, here are a few sentences we put together that we could share with Region 6:

Ex. 5 AC/AWP/DP

And of course open to talking more with the Region if they'd like to after reading our advice.

Thanks again,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

From: McNerney, Matthew <McNerney.Matthew@epa.gov>
Sent: Tuesday, March 12, 2024 4:01 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Doster, Brian <Doster.Brian@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: Texas SIP - Next Steps for OGC

CUI//PRIVILEGE

Hi Abi, this all sounds good to me.

Best,
Matt

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, March 12, 2024 3:02 PM
To: McNerney, Matthew <McNerney.Matthew@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Doster, Brian <Doster.Brian@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: Texas SIP - Next Steps for OGC

CUI//PRIVILEGE

Hi Matt,

Thanks much for your patience on this one, between leave schedules and intervening litigation crises we've been a bit underwater here (as I know most of ARLO is)! Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

In light of the timing here, I've asked Libby to work on this one with Bella as she is in the processing of coming up to speed on 110(l). **Bella**, can you please read Matt's e-mail below, and the linked documents, to get a general sense of the background and issues? **Libby**, can you please set up a meeting with Matt and Bella to discuss the questions you've already identified for this package, to hopefully reach consensus on an OGC recommendation or next steps, and to discuss timing of the 110(l) team's review in order to get back to R6?

I can respond to R6 ORC letting them know about our general plan and that we'll be in touch with a timeframe for OGC review on the 110(l) piece, but **Matt** especially, please let me know if any of this gives you heartburn and/or if we should discuss a different plan for 110(l) purposes.

Thanks!

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

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Controlled by U.S. Environmental Protection Agency

From: McNerney, Matthew <McNerney.Matthew@epa.gov>
Sent: Thursday, February 29, 2024 11:12 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Doster, Brian <Doster.Brian@epa.gov>
Subject: Texas SIP - Next Steps for OGC

Hi all,

Ex. 5 AC/AWP/DP

If it would be helpful for us to have a call to discuss, or if you have any questions please let me know.

Thanks,
Matt

Matthew McNerney (Matt) (he/him)
Attorney-Advisor
Air and Radiation Law Office
U.S. EPA Office of General Counsel
(202) 564-1049

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/21/2024 6:55:13 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: question about Title V/AD issue

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, March 21, 2024 6:33 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: question about Title V/AD issue

CUI//PRIVILEGE

J:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey
Sent: Thursday, March 21, 2024 8:58 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

J:

Ex. 5 AC/AWP/DP

G

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 12:07 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Wednesday, March 20, 2024 8:56 PM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Mike,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP And I'll look for a time for us to discuss with Dan tomorrow or Friday.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP What's your availability like the rest of this week?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management Ex. 5 AC/AWP/DP,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Sounds good. Does this mean the program is ok with the additional 90 days now?

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Yes, agreed. I'll try to keep track of our next deadline so we have time to work with you on Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP Thanks very much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

That makes sense. The benefit of the 90-day period, instead of the open-ended abeyance that Petitioners initially asked for, is that both sides are forced to re-evaluate every 3 months.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

Jeanhee Hong (she/her)

USEPA Office of General Counsel
Air and Radiation Law Office
(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thoughts?

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP (Many thanks to Seth for the great idea!) Please let me know if you need any more information.

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/21/2024 7:36:31 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: SSM SIP Opinion 3/13 Call Follow Up

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, March 21, 2024 3:29 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM SIP Opinion 3/13 Call Follow Up

CUI//PRIVILEGE

L:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, March 21, 2024 3:17 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: SSM SIP Opinion 3/13 Call Follow Up

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Ex. 5 AC/AWP/DP

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Patton Dycus <pdycus@environmentalintegrity.org>
Sent: Thursday, March 21, 2024 3:14 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Andrea Issod <andrea.issod@sierraclub.org>; Seth Johnson <sjohnson@earthjustice.org>; Joshua Smith <joshua.smith@sierraclub.org>; Davis, Emily <edavis@nrdc.org>
Subject: RE: SSM SIP Opinion 3/13 Call Follow Up

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

Hi Libby – EPA extended the comment deadline for that rulemaking to April 10, and we haven't yet submitted our comments.

But my current thinking on NSR and PSD limits applying continuously, without qualification, is:

Section 7475(a)(1) of the Clean Air Act requires PSD permits to set forth "emission limitations." And § 7503(a)(2) requires nonattainment NSR permits to require compliance with the "lowest achievable emission rate," which is defined as the rate of emissions which reflects the more stringent of (A) the most stringent "emission limitation" in any SIP, unless it is demonstrated that such limits are not achievable or (B) the most stringent "emission limitation" achieved in practice by the class or category of source in question. 42 U.S.C. § 7501(3). The Act unambiguously requires these emission limitations to apply continuously. *See* 42 U.S.C. § 7602(k) (defining "emission limitation" as a "requirement … which limits the quantity, rate, or concentration of emissions of air pollutants *on a continuous basis*, including any requirement relating to the operation or maintenance of a source to assure *continuous emission reduction*, and any design, equipment, work practice or operational standard promulgated under this chapter") (emphasis added).

Contrary to the Clean Air Act's requirement that major NSR limits apply continuously, automatic SSM exemptions mean that NSR limits only apply some of the time. Likewise, director's discretion provisions give state agencies discretion to allow affected major NSR limits to only apply some of the time. This is plainly unlawful, as the D.C. Circuit has confirmed. *See Sierra Club v. EPA*, 551 F.3d 1019, 1027 (D.C. Cir. 2008). In *Sierra Club*, the court held that the requirement for "continuous" emission limits and standards means that "temporary, periodic, or limited systems of control" do not comply with the Act. *Id.* (quoting H.R. Rep. No. 95-294, at 92 (1977), *as reprinted in* 1977 U.S.C.C.A.N. 1077, 1170).

Sierra Club's holding—and not the D.C. Circuit's recent holding regarding automatic exemptions and director's discretion provisions in SIPs—applies equally to major NSR limits. In the SIP call case, the majority reasoned:

> The relevant provision in *Sierra Club* . . . simply required EPA to "establish[ ] emission standards," 42 U.S.C. § 7412(d)(1), without any proviso conditioning that obligation on a predicate determination that it is "necessary or appropriate" for a measure to qualify as an "emission standard." As a result, every measure established by EPA under that provision needed to qualify as an "emission standard," including by satisfying the requirement that the measure operate on a "continuous basis." There are also other provisions that likewise require the use of "emission limitations" without condition. *See, e.g.*, 42 U.S.C. § 7429(a)(1)(A) (requiring EPA to establish performance standards for solid waste incineration units and stating that "[s]uch standards shall include emission limitations" (emphasis added)).
>
> Here, by contrast, a SIP must include "emission limitations" only when "necessary or appropriate to meet the [CAA's] applicable requirements." 42 U.S.C. § 7410(a)(2)(A). And EPA has not purported to find that it is "necessary or appropriate" for every (or indeed any) emission restriction subject to an automatic exemption to qualify as an "emission limitation" under the statutory definition.

Envtl. Comm. of the Fla. Elec. Power Coordinating Grp., 2024 WL 876819, at *17. Here—like § 7412(d)(1)—§§ 7475(a)(1), 7501(3), and 7503(a)(2) require the use of "emission limitations" without condition. (That § 7501(3) partly defines "lowest achievable emission rate" to include the most stringent "emission limitation" in any SIP does not change this. Section 7501(3)'s use of "emission limitation" when referring to SIP provisions makes clear that it is referring to continuously applicable limits from SIPs. Further, the second half of § 7501(3)'s definition (the most stringent "emission limitation" achieved in practice by the class or category of source in question) serves as a backstop and unambiguously refers to continuously applicable limits. Finally, it would make no practical sense that the "*lowest achievable emission rate*" would allow sources to avoid compliance during certain periods of operation.) Thus, every major NSR limit must, without question, satisfy the requirement that it operate on a "continuous basis."

Further, EPA has "consistently" stated that major NSR limits must apply at all times and that NSR permits cannot contain blanket exemptions to those limits for SSM periods. *See Order Granting in Part and Denying in Part Petition for Objection to Permit, In the Matter of Southwestern Electric Power Co., H.W. Pirkey Power Plant*, Petition No. VI-2014-01 (Feb. 3, 2016) at 8 (citing to previous Title V orders and EPA Environmental Appeals Board (EAB) decisions).

Hope that's helpful, and let me know if you have any questions.

Best,

Patton

Patton Dycus

Senior Attorney
Environmental Integrity Project
316 South 6th Ave.
Bozeman, MT 59715
404-446-6661
(he/him/his)

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, March 21, 2024 1:15 PM
To: Patton Dycus <pdycus@environmentalintegrity.org>
Subject: SSM SIP Opinion 3/13 Call Follow Up

Hi Patton,

I'm reaching out because in my notes from our March 13 call about the SSM SIP Call opinion, I think you may have mentioned that Sierra Club is putting together (or had already submitted?) comments on a Title V proposed rule setting out the position that NSR and PSD provisions require continuous emission limits without any sort of qualification (like a necessary or appropriate finding under 110(a)(2)(A)). I don't handle Title V, NSR, or PSD, but would be interested in knowing more. I did find 89 FR 1150, where comments closed on March 11, but since it looks like we received over 7,000 comments, I thought it would be most efficient to reach out directly to see if that's where we could find that comment.

Thank you,

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 3/21/2024 8:09:16 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]
Subject: 2015 O3 | Louisville redesignation and DAAD
Attachments: RE: 2015 O3 | Louisville (KY portion) redesig comments; Ozone Implementation Workgroup Call Notes - July 2023; EPA-R04-OAR-2022-0789-0012_attachment_1.pdf; complaint_deadline suit re 2015 ozone moderate SIPs.pdf; NOI Ozone SIP Revisions 07-26-2023.pdf

Importance: High

Hello Kaytrue –

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks for your feedback on this timeline and observations.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'll stop here, and will be back for more fun on Monday. Thanks and good weekend to all.

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

From: Spann, Jane <Spann.Jane@epa.gov>
Sent: Wednesday, March 20, 2024 3:49 PM
Subject: RE: Follow Up from Ozone Implementation Workgroup Monthly Call

I understand all of that.

Ex. 5 AC/AWP/DP

Thanks again.
Jane

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, March 20, 2024 3:41 PM
Subject: RE: Follow Up from Ozone Implementation Workgroup Monthly Call

Ex. 5 AC/AWP/DP

From: Spann, Jane <Spann.Jane@epa.gov>
Sent: Wednesday, March 20, 2024 3:35 PM
Subject: RE: Follow Up from Ozone Implementation Workgroup Monthly Call

Thanks Kaytrue.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks again,
Jane

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, March 20, 2024 2:46 PM
Subject: Follow Up from Ozone Implementation Workgroup Monthly Call

Hi all,

Following up on the lively discussion we had at the end of the call, I Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

-Kaytrue

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 6/16/2023 2:40:46 PM
To: Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]
CC: Damberg, Rich [Damberg.Rich@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Subject: RE: 2015 O3 | Louisville (KY portion) redesig comments

Hi Lynorae and Jane –

Happy Friday (or maybe not so happy) –

Ex. 5 AC/DP

Eric

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Tuesday, May 23, 2023 4:44 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>
Cc: Damberg, Rich <Damberg.Rich@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>
Subject: RE: 2015 O3 | Louisville (KY portion) redesig comments

Thank you Eric! We may be in touch again 😊

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Tuesday, May 23, 2023 4:48 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>
Cc: Damberg, Rich <Damberg.Rich@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>
Subject: RE: 2015 O3 | Louisville (KY portion) redesig comments

Thanks Bob and Lynorae!

Ex. 5 AC/DP

Eric

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Tuesday, May 23, 2023 2:46 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>
Cc: Damberg, Rich <Damberg.Rich@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>
Subject: RE: 2015 O3 | Louisville (KY portion) redesig comments

Thank you! We got with Region 5 and they were extremely helpful.

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Tuesday, May 23, 2023 3:44 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>
Cc: Damberg, Rich <Damberg.Rich@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: 2015 O3 | Louisville (KY portion) redesig comments

Hi Lynorae and Sarah!

Ex. 5 AC/DP

Thanks and enjoy the holiday weekend,

Bob Lingard *(he/him/his)* | Program Lead, Ozone Standards Implementation
Office of Air Quality Planning and Standards | U.S. EPA | RTP, NC 27711 | 919.541.5272

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/21/2024 11:41:00 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: question about Title V/AD issue

CUI//PRIVILEGE

Thanks much for the quick response, and sorry about the pressures you're under.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, March 21, 2024 4:23 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: question about Title V/AD issue

CUI//PRIVILEGE

JH:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 7:04 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: question about Title V/AD issue

CUI//PRIVILEGE

Geoff, Libby – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 21, 2024 11:55 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: question about Title V/AD issue

Ex. 5 AC/AWP/DP

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

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, March 21, 2024 6:33 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: question about Title V/AD issue

CUI//PRIVILEGE

J:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey
Sent: Thursday, March 21, 2024 8:58 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

J:

Ex. 5 AC/AWP/DP

G

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 12:07 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Wednesday, March 20, 2024 8:56 PM
To: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Mike,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP And I'll look for a time for us to discuss with Dan tomorrow or Friday.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Thanks Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management a Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

. I'm happy to set up a call at some point if that would help. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

Jeanhee Hong (she/her)
USEPA Office of General Counsel
Air and Radiation Law Office

(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Here you go, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Sounds good. Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Yes, agreed. I'll try to keep track of our next deadline so we have time to work with you on the rationale for opposing further abeyance, if we're in the same spot again (I am fairly certain our program will want us to give it a try at that point, even if we don't have strong arguments). Thanks very much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

That makes sense. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Ex. 5 AC/AWP/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thoughts?

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Thanks for clarifying that. W Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP (Many thanks to Seth for the great idea!) Please let me know if you need any more information.

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/22/2024 5:57:40 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: ISO the Rosetta Stone on "IN" in SIP
Attachments: SIP Permanence Draft Memorandum_110316_v2.docx

C:

Yep, got the thing from Mike.
We could draw for this for Mr. Ling.

G

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Tuesday, January 23, 2024 3:20 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: James, Corin (she/her/hers) <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: ISO the Rosetta Stone on "IN" in SIP

Not a briefing doc per se, but I do have an old draft memo that Alex Bond was the main author of and that I took over editing and swapping back and forth with Kristi after Alex left OGC. Here it is, in its last saved dated version.

Note that this memo was never "finalized," so the draft still contains numerous typos etc that never were corrected after it was decided not to produce this in a final form. But the analysis is right, and I still preach by it.

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, January 23, 2024 11:11 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: James, Corin (she/her/hers) <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: ISO the Rosetta Stone on "IN" in SIP

Mr. T:

Ex. 5 AC/DP

G

Message

From: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]
Sent: 3/25/2024 2:27:01 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: SSM updates (week of 3/25/24)

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Lea Anderson (she/her/hers)
(202) 564-5571

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Monday, March 25, 2024 10:10 AM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

CUI//PRIVILEGE

Hi Lea and Stephanie,

Ex. 5 AC/AWP/DP

Thanks!

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Monday, March 25, 2024 9:53 AM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Cottingham, Laura <Cottingham.Laura@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Subject: FW: SSM updates (week of 3/25/24)

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, March 25, 2024 6:04 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

Ex. 5 AC/AWP/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, March 25, 2024 8:51 AM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

S:

This is very helpful. Thank you for putting this together. I feel slightly less scattered…

Ex. 5 AC/AWP/DP

G

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, March 25, 2024 8:35 AM
To: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Subject: SSM updates (week of 3/25/24)

Good morning all,

Please see this week's SSM recap and updates.

Ex. 5 AC/AWP/DP

play.

Leave Schedules

- Ex. 6 Personal Privacy (PP)

Thanks everyone,
Sydney

Sydney Lawrence (she/her)
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards

(919) 541-4768 | lawrence.sydney@epa.gov

Message

From: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]
Sent: 3/25/2024 3:04:44 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: SSM updates (week of 3/25/24)

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Lea Anderson (she/her/hers)
(202) 564-5571

Controlled by U.S. Environmental Protection Agency

From: Anderson, Lea (she/her/hers)
Sent: Monday, March 25, 2024 10:27 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

Ex. 5 AC/AWP/DP

Lea Anderson (she/her/hers)
(202) 564-5571

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Monday, March 25, 2024 10:10 AM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

CUI//PRIVILEGE

Hi Lea and Stephanie,

Ex. 5 AC/AWP/DP

Thanks!

Libby Pettit (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | WJCN 7302A | (202) 566-2879

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Monday, March 25, 2024 9:53 AM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Cottingham, Laura <Cottingham.Laura@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: SSM updates (week of 3/25/24)

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, March 25, 2024 6:04 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

Ex. 5 AC/AWP/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, March 25, 2024 8:51 AM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: SSM updates (week of 3/25/24)

S:

This is very helpful. Thank you for putting this together. I feel slightly less scattered…

Ex. 5 AC/AWP/DP

G

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, March 25, 2024 8:35 AM
To: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Subject: SSM updates (week of 3/25/24)

Good morning all,

Please see this week's SSM recap and updates.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Leave Schedules

- Ex. 6 Personal Privacy (PP)

Thanks everyone,
Sydney

Sydney Lawrence (she/her)
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
(919) 541-4768 | lawrence.sydney@epa.gov

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/25/2024 3:08:44 PM
To: Boydston, Michael [Boydston.Michael@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Schefski, Kenneth (KC) [Schefski.Kenneth@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
Subject: Per the CO request
Attachments: Committee for a Better Arvin v US EPA.pdf; Montana Sulphur And Chemical Co v US EPA.pdf; Sierra Club v United States Environmental Protection Agency.pdf

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

Controlled by U.S. Environmental Protection Agency

Message

From: Purpuro, Alexander (ENRD) [Alexander.Purpuro@usdoj.gov]
Sent: 3/25/2024 7:01:58 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Boydston, Michael [Boydston.Michael@epa.gov]
Subject: FW: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Notice of Appeal to the Ninth Circuit
Attachments: CBD v. Regan Notice of Appeal.pdf; US_DIS_CAND_3_22cv3309_d66082027e2545_ORDER_by_Judge_Seeborg_Denying_Motion_to_Enforce_C.pdf

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

Good afternoon everyone,

Please be advised that CBD has filed a notice of appeal regarding Judge Seeborg's order denying their motion to enforce the CD with respect to the withdrawn Colorado SIP elements. I've attached the notice along with Judge Seeborg's prior order.

I will keep you posted on updates as I receive them.

Best,
Alex

From: ECF-CAND@cand.uscourts.gov <ECF-CAND@cand.uscourts.gov>
Sent: Monday, March 25, 2024 2:49 PM
To: efiling@cand.uscourts.gov
Subject: Activity in Case 3:22-cv-03309-RS Center for Biological Diversity et al v. Regan Notice of Appeal to the Ninth Circuit

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered by Maher, Ryan on 3/25/2024 at 11:48 AM and filed on 3/25/2024
Case Name: Center for Biological Diversity et al v. Regan

Case Number:	3:22-cv-03309-RS
Filer:	Center for Biological Diversity Center for Environmental Health
Document Number:	60

Docket Text:
NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Center for Biological Diversity, Center for Environmental Health. Appeal of Order[59] (Appeal fee of $605 receipt number ACANDC-19254782 paid.) (Maher, Ryan) (Filed on 3/25/2024)

3:22-cv-03309-RS Notice has been electronically mailed to:

Alexander M. Purpuro alexander.purpuro@usdoj.gov, efile_eds.enrd@usdoj.gov

Benjamin Gillig ben.gillig@coag.gov, john.watson@coag.gov

Jonathan Carter Evans jevans@biologicaldiversity.org, ehp_docs@biologicaldiversity.org

Leslie M. Hill Leslie.Hill@usdoj.gov, EFILE_EDS.ENRD@USDOJ.GOV

Ryan Maher rmaher@biologicaldiversity.org, ehp_docs@biologicaldiversity.org

3:22-cv-03309-RS Please see Local Rule 5-5; Notice has NOT been electronically mailed to:

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

Document description: Main Document
Original filename:C:\fakepath\3309 Notice of Appeal vfin.pdf
Electronic document Stamp:
[STAMP CANDStamp_ID=977336130 [Date=3/25/2024] [FileNumber=21128497-0]
[47e261674dad5237f4a2769f02a6da26318ae55824a87327b64e46b04ed82078a7d4
55a41d5ce2b376522d6c89acdf377e4d166c131b2c0a71f5a20566f49bfa]]

Message

From: Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]
Sent: 3/26/2024 1:07:55 PM
To: Gross, Louise C [gross.louise@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Cecala, Ian [cecala.ian@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Subject: RE: FOIA Coordination 2024-EPA-02955 - Ford, Aimee - SIP Nuisance
Attachments: 240321 NFO Coordination Notes_FOIA Intake Coordination - 7 Regions & OAR - 2024-EPA-02955.pdf

CUI//PRIVILEGE

Hi Louise and Abi –

Ex. 5 AC/AWP/DP

I hope this is helpful. Please reach out if you have any further questions.

Thanks!
Erin

Controlled by U.S. Environmental Protection Agency

From: Gross, Louise C <gross.louise@epa.gov>
Sent: Monday, March 25, 2024 5:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Subject: RE: FOIA Coordination 2024-EPA-02955 - Ford, Aimee - SIP Nuisance

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

In the meantime, do you think it would be helpful to provide context to the other responding offices?

Louise C. Gross
Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886-6844

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 4:39 PM
To: Gross, Louise C <gross.louise@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Subject: RE: FOIA Coordination 2024-EPA-02955 - Ford, Aimee - SIP Nuisance

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

Controlled by U.S. Environmental Protection Agency

From: Gross, Louise C <gross.louise@epa.gov>
Sent: Monday, March 25, 2024 5:30 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: FOIA Coordination 2024-EPA-02955 - Ford, Aimee - SIP Nuisance

Hi Abi--

Ex. 5 AC/AWP/DP

Is there anything that Region 5 should be doing?

Louise

Louise C. Gross
Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
(312) 886-6844

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 4:21 PM
To: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: FW: FOIA Coordination 2024-EPA-02955 - Ford, Aimee - SIP Nuisance

Hi R5 –

Ex. 5 AC/AWP/DP

Abi Vijayan (she/her/hers) | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

Pronunciation of first name: uh-be
(no emphasis on either syllable, cadence like and rhymes with "cubby")

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: Dugan, Brett <Dugan.Brett@epa.gov>
Sent: Monday, March 25, 2024 5:15 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Sandfoss, Kristina (she/her/hers) <Sandfoss.Kristina@epa.gov>; Jackson, Clarice <Jackson.Clarice@epa.gov>; Robinson, Donna <Robinson.Donna@epa.gov>; Schena, Cristeen <Schena.Cristeen@epa.gov>; Calderon, Wanda <Calderon.Wanda@epa.gov>; Gupta, Kaushal (he/him/his) <Gupta.Kaushal@epa.gov>; Jacobsen, Rebecca <Jacobsen.Rebecca@epa.gov>; Engels, Alan (he/him/his) <engels.alan@epa.gov>; Purifoy, Tiffany <Purifoy.Tiffany@epa.gov>; Noonan, Jenny (she/her/hers) <Noonan.Jenny@epa.gov>; Brown, Kelly <Brown.Kelly@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Long, Pam <Long.Pam@epa.gov>; Lesch, Sandra <Lesch.Sandra@epa.gov>; Schurkamp, Lynnea <Schurkamp.Lynnea@epa.gov>; Massey, Lana <massey.lana@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>
Cc: MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>; Vaupel, Claudia <Vaupel.Claudia@epa.gov>; Hall, Kristin <Hall.Kristin@epa.gov>; Briggs, Nicole L. (she/her/hers) <briggs.nicole@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Getz, Jamie <Getz.Jamie@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: FOIA Coordination 2024-EPA-02955 - Ford, Aimee - SIP Nuisance

All,

Ex. 5 AC/AWP/DP

Has anyone contacted the requestor to clarify the request? If not, has a lead Region/Office been designated to do so?

Thanks,
Brett

Brett S. Dugan
Office of Regional Counsel
United States Environmental Protection Agency, Region 10
Mail Stop: 11-C07
P: (206) 553-8562
F: (206) 553-1762
Dugan.Brett@epa.gov

CUI//PRIVILEGE

Message

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 3/26/2024 9:16:10 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]; Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Motion Filed (Unopposed)"
Attachments: SSM_Filed_Mot_Ext_Rehearing.pdf

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

All – a copy of the file motion for extension of the rehearing deadline is attached.

Thanks,
Sarah

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Tuesday, March 26, 2024 5:14 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Motion Filed (Unopposed)"

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 03/26/2024 at 5:14:10 PM Eastern Daylight Time and filed on 03/26/2024

Case Name:	Environ Comm FL Elec Power v. EPA, et al
Case Number:	15-1239
Document(s):	Document(s)

Docket Text:
UNOPPOSED MOTION [2046964] to extend time to file petition to 05/15/2024 filed by EPA and Michael S.

Regan in 15-1239, 15-1256, EPA in 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272 [Service Date: 03/26/2024] Length Certification: 230 words. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272] (Buckley, Sarah)

Notice will be electronically mailed to:

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Patton Dycus: pdycus@environmentalintegrity.org
Mr. Edmund Gerard LaCour, Jr.: edmund.lacour@alabamaag.gov, rene.whyard@alabamaag.gov

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Mr. Anthony J. Powell: Anthony.Powell@ag.ks.gov, nikki.desch@ag.ks.gov
Hayleigh S. Crawford, Ms.: hayleigh.crawford@azag.gov, acl@azag.gov

Document to be served by alternative means on:

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600 Peachtree Street, NE
Suite 3000
Atlanta, GA 30308-2216

The following document(s) are associated with this transaction:
Document Description: Motion Filed (Unopposed)
Original Filename: SSM_Final_Motion_Extension_RehearingDeadline.PDF
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=03/26/2024] [FileNumber=2046964-0]
[aaec93e26bfe035eaaa971d9f5f06b90ce2cf159ef37235bb9eeb6a4281cd76ad1a6085adb2afea155b05dd6598acb
ef7c51e2d66dd1cb2d4ba2cfa35339c1ba]]

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/27/2024 5:05:50 PM
To: Greene, Mary E. [Greene.Mary.E@epa.gov]; Khandeshi, Sparsh [Khandeshi.Sparsh@epa.gov]; Dykes, Teresa [Dykes.Teresa@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: per our discussion on remedy/vacatur FW: North Carolina v. E.P.A.
Attachments: North Carolina v EPA.pdf

CUI//PRIVILEGE

Friends:

Here is the CAIR decision by the DC Circuit granting the request to change a vacatur to a remand. I will forward you the agency brief from this case that I have. I do not have those of other parties, but you may be able to retrieve them from PACER?

G

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Tuesday, March 19, 2024 5:18 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: North Carolina v. E.P.A.

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

Geoffrey Wilcox sent you content from Westlaw Edge.
Please see the attached file.

Item: North Carolina v. E.P.A.
Citation: 550 F.3d 1176
Sent On: Tuesday, March 19, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: DC Circuit decision changing vacatur to remand

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 3/27/2024 5:10:29 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: meant to CC you - FW: follow up on remedy issue
Attachments: ENV_DEFENSE-#1161490-v1-SSM_--_Research_--_Petition_for_Rhg_in_CAIR_case.PDF

CUI//PRIVILEGE

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Wilcox, Geoffrey
Sent: Wednesday, March 27, 2024 1:08 PM
To: Greene, Mary E. ; Khandeshi, Sparsh ; Dykes, Teresa
Subject: FW: follow up on remedy issue

OECA Friends:

Ex. 5 AC/AWP/DP

G

-----Original Message-----
From: Kaplan, David (ENRD)
Sent: Wednesday, March 20, 2024 5:12 PM
To: Wilcox, Geoffrey ; Buckley, Sarah (ENRD) ; Caintic, Paul (ENRD) ; Coghlan, Andrew (ENRD)
Cc: Pettit, Elizabeth (Libby) ; Vijayan, Abi
Subject: RE: follow up on remedy issue

CUI//PRIVILEGE

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Just found it. See attached

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey
Sent: Wednesday, March 20, 2024 4:59 PM
To: Kaplan, David (ENRD) ; Buckley, Sarah (ENRD) ; Caintic, Paul (ENRD) ; Coghlan, Andrew (ENRD)
Cc: Pettit, Elizabeth (Libby) ; Vijayan, Abi
Subject: [EXTERNAL] FW: follow up on remedy issue

CUI//PRIVILEGE

DOJ Friends:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey
Sent: Tuesday, March 19, 2024 5:28 PM
To: Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: follow up on remedy issue

DOJ Friends:

Ex. 5 AC/AWP/DP

G

Message

From: Lawrence, Sydney [lawrence.sydney@epa.gov]
Sent: 3/27/2024 8:48:22 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
Subject: RE: ISO help with some factual questions

CUI//PRIVILEGE

Hey Geoff – answers provided below in blue.

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, March 27, 2024 4:00 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: ISO help with some factual questions

CUI//PRIVILEGE

S:

Thank you for sending the charts showing the status. I have not had a chance to decipher these yet. But I have some quick overarching fact questions for you:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

G

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From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Wednesday, March 20, 2024 12:55 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: ISO a chart on the states that have/have not complied with the SIP call

The Regions assist us with keeping the attached "SSM SIP Status Tracker" up to date with our SSM actions. It is a live document that we/they regularly update. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, March 20, 2024 12:48 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: ISO a chart on the states that have/have not complied with the SIP call

S:

Ex. 5 AC/AWP/DP

Please advise.

G

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/28/2024 12:43:36 AM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion
Attachments: Re: [EXTERNAL] Re: SSM Litigation Group v. EPA, No. 23-1267 (DC Cir.) - Motion to govern coming up

CUI//PRIVILEGE

Geoff, Libby, Abi –

Ex. 5 AC/AWP/DP

Sorry, and thanks much.

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

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From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 27, 2024 2:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Hey Jeanhee. Th **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 7:58 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Dan,

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, March 21, 2024 7:11 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Great. Does 4-4:30 today work for both of you?

Sent from my iPhone

On Mar 21, 2024, at 12:04 AM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

CUI//PRIVILEGE

Thanks Dan. I'm wide open tomorrow between 11:30am and 5:30pm ET, and Friday 11:30am-1:30pm and 2:00-5:30pm ET.

Hoping Mike can join us, too (I'll let him speak to his availabilities).

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Thanks. Ex. 5 AC/AWP/DP

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management and Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP I'm happy to set up a call at some point if that would help. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>

Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Sounds good. Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Yes, agreed. I'll try to keep track of our next deadline so we have time to work with you on t Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP Thanks very much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

That makes sense. Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM

To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Here you go. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

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Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thoughts?

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks for clarifying that. W **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/28/2024 1:31:46 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Ah, very helpful. Thanks Abi for the quick response. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 6:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Jeanhee,

Oof, sorry you are getting sucked into this mess. Our recommendation on rehearing is due to DOJ **this Friday**, and we are

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Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, March 27, 2024 8:44 PM

To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Geoff, Libby, Abi –

Ex. 5 AC/AWP/DP

Sorry, and thanks much.

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 27, 2024 2:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 7:58 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Dan,

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, March 21, 2024 7:11 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Great. Does 4-4:30 today work for both of you?

Sent from my iPhone

On Mar 21, 2024, at 12:04 AM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

CUI//PRIVILEGE

Thanks Dan. I'm wide open tomorrow between 11:30am and 5:30pm ET, and Friday 11:30am-1:30pm and 2:00-5:30pm ET.

Hoping Mike can join us, too (I'll let him speak to his availabilities).

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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

Thanks Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP What's your availability like the rest of this week?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Sent: Monday, January 29, 2024 4:15 PM
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Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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(202) 565-0040

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Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
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Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
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To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Jeanhee Hong (she/her)

USEPA Office of General Counsel
Air and Radiation Law Office
(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Air and Radiation Law Office
(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

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

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Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/28/2024 1:45:58 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks again!

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Wednesday, March 27, 2024 6:32 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 6:24 PM

To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Jeanhee,

Oof, sorry you are getting sucked into this mess. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, March 27, 2024 8:44 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Geoff, Libby, Abi –

Ex. 5 AC/AWP/DP

Sorry, and thanks much.

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 27, 2024 2:31 PM

To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Hey Jeanhee. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 7:58 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Dan,

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, March 21, 2024 7:11 AM

To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Great. Does 4-4:30 today work for both of you?

Sent from my iPhone

On Mar 21, 2024, at 12:04 AM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

CUI//PRIVILEGE

Thanks Dan. I'm wide open tomorrow between 11:30am and 5:30pm ET, and Friday 11:30am-1:30pm and 2:00-5:30pm ET.

Hoping Mike can join us, too (I'll let him speak to his availabilities).

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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

Thanks. P

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

Jeanhee Hong (she/her)
USEPA Office of General Counsel

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>

Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Sounds good. Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Yes, Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks very much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

That makes sense. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

[redacted] **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/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Ex. 5 AC/AWP/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thoughts?

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks for clarifying that. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP (Many thanks to Seth for the great idea!) Please let me know if you need any more information.

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

Jeanhee Hong (she/her)
USEPA Office of General Counsel

Air and Radiation Law Office
(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 3/28/2024 2:01:25 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: OAR Pre-Brief re: KY Meeting

Thanks for sending, Abi. I should be able to make both!

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 8:28 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FW: OAR Pre-Brief re: KY Meeting

Hi Libby,

Please see the attached, I am going to shortly forward two meeting invites **Ex. 5 AC/DP** **Ex. 5 AC/DP** One is a pre-brief with Tomas and the other is a meeting with the Kentucky Gov's office. Would be great if you could make either/both, but if not, Yasmin may already be covering the calls for PM implementation purposes and so hopefully she can also cover for EE purposes!

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, March 27, 2024 2:06 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

Here's the answer from Stephen.

Yasmín Pérez Ortiz
Attorney-Advisor
Office of General Counsel | Air and Radiation Law Office ("ARLO")
U.S. Environmental Protection Agency
P: 202 564-1077

she/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 1:30 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

Thanks Yasmin, I was just about to shoot an email inquiry to the listed OAQPS participants, but I'll wait to see what you hear back from Alina!

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, March 27, 2024 1:29 PM

To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

I asked Angelina. I will let you know asap.

Yasmín Pérez Ortiz
Attorney-Advisor
Office of General Counsel | Air and Radiation Law Office ("ARLO")
U.S. Environmental Protection Agency
P: 202 564-1077

she/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 1:07 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

Do you all know what this OAR briefing is about? I unfortunately have a conflicting meeting I can't miss, but please let me know if we should circle up on anything here!

-----Original Appointment-----
From: Carbonell, Tomas <Carbonell.Tomas@epa.gov>
Sent: Wednesday, March 27, 2024 12:58 PM
To: Carbonell, Tomas; Tsirigotis, Peter; Dunkins, Robin; Kornylak, Vera S.; Palma, Elizabeth; Scott, Denise; Senter, Stephen; Leith, Andrew; Brashear, Angelina (she/her/hers); Evangelista, Mark; Smith, Jason; Keller, Peter; Mocka, Corey; Watkins, Nealson; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Vijayan, Abi; Durch, Kyle; Taft, Sarah (she/her/hers); Toney, Anthony; Gettle, Jeaneanne; Nicholson, John; Zapata, Cesar; Palmer, Leif
Subject: OAR Pre-Brief re: KY Meeting
When: Thursday, March 28, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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: Orlin, David [Orlin.David@epa.gov]
Sent: 3/28/2024 3:20:39 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: PM2.5 -- deferred appendix / briefing schedule

Fyi—some thoughts I sent them fwiw

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, March 28, 2024 10:50 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Cc: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: [EXTERNAL] RE: PM2.5 -- deferred appendix / briefing schedule

Hi Sarah,

My schedule is blessedly free of meetings today and tomorrow (except tomorrow at 2), although I think Abi is only free at 1 and 3:30 today (if then) and maybe it makes sense to loop her in.

For efficiency and because I think better in writing I hope you don't mind if I give you some reactions off the top of my head—

Ex. 5 AC/AWP/DP

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

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Thursday, March 28, 2024 9:43 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: FW: PM2.5 -- deferred appendix / 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 David:

See email below re: PM NAAQS. Alex and I would like to chat about what a reasonable schedule would be. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Sarah

From: Lin, Elbert <ELin@hunton.com>
Sent: Wednesday, March 27, 2024 5:42 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; sjohnson@earthjustice.org; sgoho@catf.us; jwalke@nrdc.org
Cc: Peterson, Erica <EPeterson@hunton.com>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; Nate Curtisi <ncurtisi@azchamber.com>; Amber Ahmed <Amber.Ahmed@oag.texas.gov>; Clayton Smith <Clayton.Smith@oag.texas.gov>; Abrahamson, Jacob (KYOAG) <jacob.abrahamson@ky.gov>; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>
Subject: [EXTERNAL] PM2.5 -- deferred appendix / briefing schedule

Dear Sarah, Seth, Shaun, and John:

I represent the trade association petitioners in DC Circuit case no. 24-1051, one of the consolidated cases challenging the PM2.5 reconsideration. With our deadline for initial filings approaching (next Friday, April 5), I am writing to get your clients' views on two requests.

First, we would like to use a deferred appendix in this matter. May we represent that all parties agree?

Second, we and at least some of the other petitioners are still deciding whether to seek a stay. But we are also considering in the alternative moving the court for a reasonably expeditious schedule. We thought it worth exploring whether your clients would be open to agreeing to such a schedule, which could save everyone a lot of motions practice.

We'd appreciate your reactions to both of these points by COB Friday, particularly so that we can determine whether there might be an agreement to be struck on point two. The schedule (and format) that petitioners have discussed is below. Briefing does not start until June 4 in recognition of the fact that the statutory window for petitions does not technically close until May 6.

Thanks,
Elbert

Administrative Record: April 16, 2024

Petitioners' Opening Briefs (one brief for state petitioners and one for all other petitioners, each not to exceed 13,000 words): June 4, 2024

Briefs of Intervenors or *Amici* in Support of Petitioners: June 18, 2024

Respondents' Brief (not to exceed _____ words): July 19, 2024

Briefs of Intervenors or *Amici* in Support of Respondents: August 2, 2024

Petitioners' Reply Briefs (one for state petitioners and one for all other petitioners, each not to exceed 6500 words): August 16, 2024

Deferred Appendix: August 27, 2024

Final Briefs: September 3, 2024

Elbert Lin
Hunton Andrews Kurth LLP
804.788.7202
202.955.1548

Message

From: Kaplan, David (ENRD) [David.Kaplan@usdoj.gov]
Sent: 3/28/2024 3:33:49 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
Subject: FW: follow up on litigation options
Attachments: ENV_DEFENSE-#1162570-v1-SSM_--_research_--_Remand_without_vacatur_--_Boiler_case.PDF

Importance: High

CUI//PRIVILEGE

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Geof, et al. In response to your questions, see our thoughts below highlighted in yellow.

David

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, March 27, 2024 3:04 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Kaplan, David (ENRD) <David.Kaplan@usdoj.gov>; Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] follow up on litigation options
Importance: High

CUI//PRIVILEGE

DOJ Friends:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Do you have any different advice/reactions to these initial questions? If so, please advise.

NB At this point we are just reevaluating this idea conceptually. If folks here are inclined to pursue this path, we of course will want to caucus with you all very quickly and get your opinions about this potential course of action.

Thank you for the continuing assistance.

G

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Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 3/28/2024 5:38:51 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi SSM team,

Hope this is something you can answer quickly (before 5pm ET today): do you have any concerns/disagreement with the 3-part analysis and conclusions I had shared within ARLO and with DOJ a few weeks ago (see my 3/14 email below)?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

If you can share any quick reaction before 5pm today (when Mike and I will be talking with DOJ), I'd appreciate it very much. If you do have concern, just a short "we do need to discuss" would be fine – I'm not expecting a full analysis at this point. Thanks so much.

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

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From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP What's your availability like the rest of this week?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management [redacted] **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP I'm happy to set up a call at some point if that would help. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP if you can do that without too much trouble, we'd appreciate it. thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Do you want to take a look at the motion to govern? Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Sounds good. Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Yes, agreed. I'll try to keep track of our next deadline so we have time to work with you on the Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP. Thanks very much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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That makes sense. T Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks for clarifying that. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. I Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP (Many thanks to Seth for the great idea!) Please let me know if you need any more information.

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?