Message

From: Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 3/28/2024 6:08:35 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@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 "Per Curiam Order Filed (Complex Panel)"
Attachments:SSM_Order_GrantingRehearingExtension.PDF

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

The court granted the extension of the rehearing deadline. We will work on our internal recommendation package to Todd and the SG.

Sarah

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Thursday, March 28, 2024 11:13 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Per Curiam Order 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 03/28/2024 at 11:12:24 AM Eastern Daylight Time and filed on 03/28/2024

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

Docket Text:
PER CURIAM ORDER [2047223] filed granting respondents' unopposed motion for a 30-day extension of time to file a petition for rehearing or rehearing en banc [2046964-2]. Any petition for rehearing and/or petition for rehearing en banc is now due on May 15, 2024. Before Judges: Srinivasan, Pillard and Walker. [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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Andrea Issod: andrea.issod@sierraclub.org, violet.lehrer@sierraclub.org, miriam.raffel-smith@sierraclub.org
Seth L. Johnson: sjohnson@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
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Mr. Anthony J. Powell: Anthony.Powell@ag.ks.gov, nikki.desch@ag.ks.gov
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Mr. Eric Schaeffer: eschaeffer@environmentalintegrity.org
Ms. Lindsay S. See: lindsay.s.see@wvago.gov, choffman@wvago.gov
Mr. James Michael Showalter, Attorney: j.michael.showalter@gmail.com, mshowalter@schiffhardin.com, nbax@schiffhardin.com
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Document to be served by alternative means on:

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Mr. Geoffrey L. Wilcox
U.S. Environmental Protection Agency
(EPA) Office of General Counsel
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William Jefferson Clinton Federal Building
Washington, DC 20460

The following document(s) are associated with this transaction:
Document Description: Order Sent
Original Filename: /opt/ACECF/live/forms/15-1239OPZN.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=03/28/2024] [FileNumber=2047223-0] [097b12921f9c21b2d6a7580baa09f3f10f83008ffab29787c3c39702a4e57e1ece57cf1b6da71a063fded78e93ae3bb64a15ed4a7044fc6c40104394e3cc1020]]
Recipients:

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- Mr. Paul M. Bangser, Counsel
- Mr. Christopher John Baum, Deputy Solicitor General
- Ms. Kellie Elizabeth Billings-Ray, Assistant Attorney General
- Mr. Steven R. Blair, Assistant Attorney General
- Randy E. Brogdon
- Mr. Nicholas J. Bronni, Deputy Solicitor General
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- Mr. Seth Buchsbaum
- Ms. Sarah A. Buckley, Trial Attorney
- Mr. Wilson Sinclair Buntin, Assistant Attorney General
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- Andrew Coghlan, Trial Attorney
- Mr. Paul Robert Cort
- Hayleigh S. Crawford, Ms.

- Mr. John Charles Cruden
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- Joshua Divine, Assistant Attorney General
- Patton Dycus
- Valerie Melissa Edge, Deputy Attorney General
- Drew C. Ensign
- Mr. P. Clayton Eubanks
- Jamie Leigh Ewing, Assistant Attorney General
- Aaron Scott Farmer
- Mr. Russell Scott Frye
- Mr. Phillip Roane Hilliard
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- Andrea Issod
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- Thomas T. Lampman, Assistant Attorney General
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- Mr. C. Grady Moore, III, Attorney
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- Mrs. Elizabeth Baker Murrill, Assistant Attorney General
- Joseph Anthony Newberg, II, Assistant Attorney General
- Mr. Matthew Robert Oakes, Trial Attorney
- Mr. James Hamilton Percival, II
- Stephen John Petrany, Attorney
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- James Samuel Pew
- Mr. Harold Edward Pizzetta, III, Special Attorney to the Attorney General
- Mr. Anthony J. Powell
- Ms. Leslie Sue Ritts
- Mr. Lee Philip Rudofsky, Solicitor
- Mr. Eric Schaeffer

- Ms. Lindsay S. See
- Mr. James Michael Showalter, Attorney
- Mr. James Emory Smith, Jr., Assistant Attorney General
- Joshua Douglas Smith, Attorney
- Ms. Mathura Sridharan
- Mr. Luther J. Strange, III
- Mrs. Megan K. Terrell, Assistant Attorney General
- Ms. Jan M. Tierney, Attorney
- Mr. John DuVal Walke
- Mr. Henry Charles Whitaker, Attorney
- Mr. Geoffrey L. Wilcox
- Ms. Hahnah Williams
- Mary Jo Woods, Special Assistant Attorney General

Message

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 3/28/2024 7:19:59 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]
Subject: Detroit redesignation - applicable requirements history
Attachments: Applicable requirement language.xlsx

Hey Kaytrue and Yasmin –

Ex. 5 AC/AWP/DP

But if you can think of another way I can make this resource more useful, let me know!

Eric

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 3/28/2024 8:17:42 PM
To: Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Leon-Guerrero, Tim [Leon-Guerrero.Tim@epa.gov]
CC: Senter, Stephen [Senter.Stephen@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RESPONSE RE: HQ SIP Portal: Air Plan Approval; Pennsylvania; Attainment Plan for the Indiana Nonattainment Area for the 2010 1-hour Sulfur Dioxide National Ambient Air Quality Standard Due 2024-03-28
Attachments: 2_29_24_NPRM IndianaPA SO2 attainmentplan_HQ.docx; EPA3_IndianaCountyPA_SO2_Mar2024ModelingTSD_Finalv2_HQ.docx

Hello everyone,

Thank you for your patience and the opportunity to review this notice. Please find the attached HQ review documents for the Indiana, PA attainment plan and TSD. Our complete edits and comments can be found throughout the notice, but would like to flag some things for your awareness and attention:

Ex. 5 AC/DP

Please let us know if you have any further questions.

Kind regards,

Angelina Brashear
U.S. Environmental Protection Agency
State & Local Programs Group – Air Quality Planning Division
109 T.W Alexander Drive, Research Triangle Park NC, 27709
t: (919) 541-4746
e: brashear.angelina@epa.gov

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From: Brashear, Angelina (she/her/hers)
Sent: Thursday, March 14, 2024 11:19 AM
To: Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Gordon, Michael <Gordon.Mike@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>

Subject: RE: HQ SIP Portal: Air Plan Approval; Pennsylvania; Attainment Plan for the Indiana Nonattainment Area for the 2010 1-hour Sulfur Dioxide National Ambient Air Quality Standard Due 2024-03-28

Hi all,

Just wanted to reach out and let you know that I've confirmed that HQ can meet the requested deadline of 3/28/2024. I

Ex. 5 AC/DP

Kindest regards,
Alina

From: Brashear, Angelina (she/her/hers)
Sent: Thursday, March 14, 2024 9:29 AM
To: Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Gordon, Michael <Gordon.Mike@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Subject: RE: HQ SIP Portal: Air Plan Approval; Pennsylvania; Attainment Plan for the Indiana Nonattainment Area for the 2010 1-hour Sulfur Dioxide National Ambient Air Quality Standard Due 2024-03-28

Hi all,

Just wanted to let you know that your submission was received and I'm confirming with HQ reviewers that we can meet the deadline. I will confirm with you once I get a response from everyone.

Did I include everyone that needs to be notified for R3 working on this?

Kind regards,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Wednesday, March 13, 2024 3:22 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@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>; Miller, Meredith <Miller.Meredith@epa.gov>
Subject: HQ SIP Portal: Air Plan Approval; Pennsylvania; Attainment Plan for the Indiana Nonattainment Area for the 2010 1-hour Sulfur Dioxide National Ambient Air Quality Standard Due 2024-03-28

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A new item titled "Air Plan Approval; Pennsylvania; Attainment Plan for the Indiana Nonattainment Area for the 2010 1-hour Sulfur Dioxide National Ambient Air Quality Standard" has been submitted by Region 03 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 5 AC/DP

Title: Air Plan Approval; Pennsylvania; Attainment Plan for the Indiana Nonattainment Area for the 2010 1-hour Sulfur Dioxide National Ambient Air Quality Standard

State: PA
Region: 03
Standard: SO2 (2010)
Area: Indiana County, PA
Document Category: AP/MP
Date Submitted to HQ: 2024-03-13
HQ Due Date: 2024-03-28
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: Action under a sanctions clock . Offsets start 3/19, and highway starts 9/19/24.
Regional Manager(s): Gordon, Michael;
Regional Staff Lead(s): Goold, Megan (she/her/hers);
ORC Staff Lead(s): Dru, Jacobine (she/her/hers); Stephens, Ryan;
OAQPS Staff Involved:
OGC Staff Involved:
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

If you want to unsubscribe from these emails, please use this form.

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 3/29/2024 2:57:05 PM
To: Orlin, David [Orlin.David@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: One OGC Docket Case had an attorney assignment change

Thank you!

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, March 29, 2024 10:10 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Graham, Cheryl <Graham.Cheryl@epa.gov>
Subject: RE: One OGC Docket Case had an attorney assignment change

Thanks. I marked it as consolidated, secondary with the main case (Kentucky, DC Cir 24-1050)

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

From: vijayan.abi@epa.gov <vijayan.abi@epa.gov>
Sent: Friday, March 29, 2024 10:06 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Graham, Cheryl <Graham.Cheryl@epa.gov>
Subject: One OGC Docket Case had an attorney assignment change

Hello,

The case is filed on behalf of: Warren Petersen, et al., Case No. 24-1073.

Regards,
Abirami Vijayan

Link: Warren Petersen, et al., Case No. 24-1073

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 3/29/2024 4:08:56 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments
Attachments: ENV_DEFENSE-#1162585-v1-Texas_v_EPA_-_Answering_Brief_-_28_March_Working_Draft_EPAshared_3.29.docx; Delaney v EPA.pdf

Hey Ben, see attached for our latest round of edits/comments.

Ex. 5 AC/AWP/DP

Thanks,
Corin

From: James, Corin
Sent: Thursday, March 28, 2024 7:55 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Sounds good, thanks Ben! Appreciate the extra time. I'll send back tomorrow by noon.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 7:52 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

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Sounds good. How about tomorrow at noon?

My morning is pretty tied up – but I'm clear tomorrow afternoon and through the weekend to get this in Near Final shape by Monday morning.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 28, 2024 7:03 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Thanks, Ben. We're still working through some things – what's your timing like? We don't want to mess with your schedule.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 3:30 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: [EXTERNAL] RE: Texas v EPA - Legal Arguments

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That's right. I'll have a clean "near final" for you on Monday. And I'll need edits back by Wednesday AM to get the management draft out by Wednesday PM.

Sent from my iPhone

On Mar 28, 2024, at 9:54 AM, James, Corin <James.Corin01@epa.gov> wrote:

CUI//PRIVILEGE

Thanks, Ben. Sounds good.

And just to confirm – we'll get another crack at a draft of this before it goes to management review?

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 9:28 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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Excellent! Anything you can provide would help – but no need to turn this into a fire drill, just trying to keep it moving.

And thanks again!

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From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 28, 2024 8:40 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Wow, thanks Ben. You're quick!

I'm not sure what others have on their plate today, but we'll get you something by 7pm tonight.

Safe travels!

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 12:50 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@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.

Team –

I've addressed many of your comments, accepted lots of your (excellent!) edits, and folded in some new work I'd done in Section 1.

Ex. 6 Personal Privacy (PP)

My plan is to log back on around 7p tomorrow and start by focusing on re-organizing and tightening Section 1 in particular. Could you get me another round of comments / responses to my edits by then?

Thanks – so much – for all of your hard work and attention on this.

Ben

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, March 27, 2024 8:24 PM

To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hi Ben,

Thanks for your patience on this. Attached is our next round of comments/edits. We didn't get to everything we wanted to, as you'll probably see in some of the back and forth in our comments. So more to come, and especially on section II of the argument, which we didn't get to look at as closely as the first part. But I think this should give you a good amount to work from in the meantime.

As always, let us know if it would be helpful to set up some time to discuss.

Thanks,
Corin

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 21, 2024 6:16 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@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.

Team EPA:

Attached is the current draft of the brief. There are still some holes for me to fill – **Ex. 5 AC/AWP/DP** and quite a bit of polishing to be done, but I'm generally happy with the structure of the brief.

Here's the remaining editing schedule:

1. **Wednesday March 27 –** EPA returns comments (Round 2)
2. **Monday April 1 –** Third draft to EPA ("Near Final") / Clean-up Week
3. **Thursday, April 4 (PM)** – Brief to Eric (DOJ Reviewer) / EPA Management Review (Concurrent)
4. **Thursday, April 11 –** Comments back from Eric / EPA Management
5. **Monday, April 15 –** Brief to DOJ front office
6. **Monday, April 22 –** Brief due

I will continue to push / polish / revise the areas I have flagged. Eric has now requested the brief by Thursday afternoon (4/4), so my hope is to push up the "Near Final" Third Draft to you by Friday 3/29, so I can get your comments one last time by Tuesday (3/2) or Wednesday (3/3) before sending it to him.

Thank you all for your continued hard work on this.

Ben

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From: Grillot, Benjamin (ENRD)
Sent: Tuesday, March 19, 2024 5:58 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

This Corin. This is excellent – and largely tracks what I'm doing. A huge thanks to your OGC folks.

From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, March 19, 2024 5:54 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hi Ben, as a quick follow up – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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From: James, Corin
Sent: Tuesday, March 19, 2024 11:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

Thanks for the update Ben.

I think that the arguments/comments I added to your draft that I sent along on Friday should help to flesh out some of your points in the new argument outline Ex. 5 AC/AWP/DP If there are other specific pieces of the outline that you're looking for feedback on, let us know.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Tuesday, March 19, 2024 10:44 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@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.

Hi Team –

Ex. 6 Personal Privacy (PP)
so I'm going to be a little delayed on my next draft – but will aim to get it to you on Thursday so we can stay on track.

Any thoughts you have on Eric and I's outline of the new argument in the interim would be welcome.

Thanks all –

Ben

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From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 15, 2024 5:42 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. 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.

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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

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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..

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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.

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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.

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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!

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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.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

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 –

I had a discussion today with my manager on this and he's suggesting we take a somewhat different tack on the first argument, as follows:

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

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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.

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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

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

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

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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

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 [redacted] Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

As I see it, this touches on (at least) two key issues in Petitioner's brief:

[redacted]

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: Thrift, Mike [thrift.mike@epa.gov]
Sent: 3/29/2024 5:39:42 PM
To: Mann, Martha (ENRD) [Martha.Mann@usdoj.gov]
CC: McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: courtesy copy of CAA complaint

CUI//PRIVILEGE

Thanks, Martha, and look forward to working with you again, Martin! Back in 1992, my very first deadline suit was also handled by Martin – it was a premature complaint filed by NRDC in D.D.C. to compel issuance of the HON, even before we had missed the statutory deadline. Martin got that dismissed, naturally. My next case with Martin was the Montana Sulphur SO2 SIP/FIP case in the 9th Circuit, in which we prevailed on every single issue and resulted in a ruling that has proved very useful over the last 10+ years. Adding my OGC ARLO SO2 colleagues, Abi, Hali, and Bella.
--Mike

Controlled by U.S. Environmental Protection Agency

From: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>
Sent: Friday, March 29, 2024 10:30 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>
Subject: RE: courtesy copy of CAA complaint

CUI//PRIVILEGE

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

Hi Mike!

Martin McDermott (copied here) will be handling this for EDS. I've asked him to reach out and set up a time to discuss the complaint with you.

Thanks,
Martha

Controlled by U.S. Environmental Protection Agency

From: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Sent: Thursday, March 28, 2024 5:29 PM
To: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>
Subject: FW: courtesy copy of CAA complaint

Thanks, Mike. Copying Martha Mann, who is the ASC overseeing the district-court docket.

(I'm now working on petitions cases full time—but don't worry, I'm keeping all our RTR deadline cases!)

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

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Thursday, March 28, 2024 5:24 PM
To: Chen, Sue (ENRD) <Sue.Chen@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: [EXTERNAL] FW: courtesy copy of CAA complaint

CUI//PRIVILEGE

New deadline suit, Sue, for various overdue SO2 NAAQS implementation matters. Leslie Hill had previously worked with me on these Ukeiley-filed suits, and had said she'd be willing to do this one, too, once filed, but of course has abandoned me/us for greener federal pastures where it never stops raining. Understand that you have taken on litigation assignment duties for EDS? If that's not correct, please send along to whomever is currently picking victims. Thanks.
--Mike

Controlled by U.S. Environmental Protection Agency

From: RUkeiley@igc.org <RUkeiley@igc.org>
Sent: Thursday, March 28, 2024 9:26 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: 'Zachary Fabish' <zachary.fabish@sierraclub.org>; 'Ryan Maher' <rmaher@biologicaldiversity.org>
Subject: courtesy copy of CAA complaint

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

Hi Mike:

Please see the attached courtesy copy of a complaint filed today in a Clean Air Act deadline case.

I will be filing my pro hac motion shortly and will be acting as lead counsel so please have all communications from EPA and DOJ directed to me rather than Wendy Park.

Also we want EPA and DOJ to know that because this is a deadline suit in which EPA's clearly illegal delays cause irreparable harms to public health and welfare we have to shortly begin incurring billable time towards obtaining a judicial resolution of this matter. We are open to a negotiated resolution of this matter via an enforceable consent

decree but we cannot assume that EPA and DOJ are of the same position until we have written evidence of such a position.

Thanks

Robert Ukeiley
(720) 496-8568

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Wednesday, December 20, 2023 9:50 AM
To: RUkeiley@igc.org
Cc: 'Zachary Fabish' <zachary.fabish@sierraclub.org>; 'Ryan Maher' <rmaher@biologicaldiversity.org>
Subject: RE: courtesy copy of CAA NOI

Hi Robert. I didn't see anything attached to your email. If something was attached, it didn't seem to get delivered.
--Mike

From: RUkeiley@igc.org <RUkeiley@igc.org>
Sent: Wednesday, December 20, 2023 7:33 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: 'Zachary Fabish' <zachary.fabish@sierraclub.org>; 'Ryan Maher' <rmaher@biologicaldiversity.org>
Subject: courtesy copy of CAA NOI

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

Hi:

Please see the attached courtesy copy.

Robert Ukeiley
Law Office of Robert Ukeiley
(720) 496-8568
Counsel for the Center for Biological Diversity and Sierra Club

Message

From: Mann, Martha (ENRD) [Martha.Mann@usdoj.gov]
Sent: 3/29/2024 5:48:12 PM
To: Thrift, Mike [thrift.mike@epa.gov]
CC: McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: courtesy copy of CAA complaint

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Well I can see that Martin needs to maintain his excellent record with you!

Thanks, All, and have a great weekend.

m

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From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, March 29, 2024 1:40 PM
To: Mann, Martha (ENRD) <Martha.Mann@usdoj.gov>
Cc: McDermott, Martin (ENRD) <Martin.McDermott@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
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U.S. Department of Justice
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202.305.0283

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Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
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Robert Ukeiley
(720) 496-8568

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Sent: Wednesday, December 20, 2023 7:33 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: 'Zachary Fabish' <zachary.fabish@sierraclub.org>; 'Ryan Maher' <rmaher@biologicaldiversity.org>
Subject: courtesy copy of CAA NOI

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

Hi:

Please see the attached courtesy copy.

Robert Ukeiley
Law Office of Robert Ukeiley
(720) 496-8568
Counsel for the Center for Biological Diversity and Sierra Club

Message

From: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]
Sent: 3/29/2024 9:23:06 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]
CC: Talty, Mark [Talty.Mark@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion
Attachments: ENV_DEFENSE-#1164892-v2-Texas_v_EPA(SO2)_Response_to_En_Banc_Pet_.DOCX

CUI//PRIVILEGE

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Hi All,

Ex. 5 AC/AWP/DP

That's it 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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:11 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: [EXTERNAL] Texas v. EPA (SO2) - Modeling Discussion

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP/DP

Talk soon,
Hali

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

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From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Wednesday, March 20, 2024 12:22 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>
Subject: RE: Modeling off by three times

I was just about to forward this to you Hali, we should also forward it along to DOJ. Great work Erik, this is going to be very helpful for our response.

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Wednesday, March 20, 2024 11:14 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Vargas, Aaron

<Vargas.Aaron@epa.gov>
Subject: FW: Modeling off by three times

Hali,

I'm not actively annotating the document but I did spend some time reading the document yesterday and I wanted you have the benefit this exchange I had with Erik regarding one of the questions I had. Erik may have folded something similar into the document.

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Wednesday, March 20, 2024 10:10 AM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Modeling off by three times

Sorry, missed this coming in. Yes that is a good summary. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Wednesday, March 20, 2024 8:19 AM
To: Snyder, Erik <snyder.erik@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Modeling off by three times

Ex. 5 AC/AWP/DP

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Tuesday, March 19, 2024 2:24 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: Modeling off by three times

I am adding edits to the document but since you asked earlier wanted to provide follow-up. 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

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Erik Snyder.
Lead Regional Air Quality Modeler
(214) 665-7305 | snyder.erik@epa.gov
Division of Air and Radiation | U.S. EPA, Region 6 Dallas, TX

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/1/2024 1:53:44 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments
Attachments: ENV_DEFENSE-#1165855-v1-Texas_v_EPA__-_EPA_Answering_Brief_-_1_April_Version.docx

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

All –

Attached is the latest draft – now with an Introduction / Statement of the Issues / Summary of the Argument! I've also "finished" the few remaining placeholders I had left and wrestled with y'alls edits. I've left a few comments in for discussion.

Ex. 5 AC/AWP/DP

And I'd love to get edits back by Wednesday at noon, so I can send the draft to Eric on Thursday morning (which you can send to your management at the same time).

Thanks, so much, for all of your hard work and attention to this.

Ben

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 29, 2024 12:09 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Hey Ben, see attached for our latest round of edits/comments.

Ex. 5 AC/AWP/DP

Thanks,
Corin

From: James, Corin
Sent: Thursday, March 28, 2024 7:55 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Sounds good, thanks Ben! Appreciate the extra time. I'll send back tomorrow by noon.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 7:52 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: [EXTERNAL] RE: 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.

Sounds good. How about tomorrow at noon?

My morning is pretty tied up – but I'm clear tomorrow afternoon and through the weekend to get this in Near Final shape by Monday morning.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 28, 2024 7:03 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Thanks, Ben. We're still working through some things – what's your timing like? We don't want to mess with your schedule.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 3:30 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: [EXTERNAL] RE: 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.

That's right. I'll have a clean "near final" for you on Monday. And I'll need edits back by Wednesday AM to get the management draft out by Wednesday PM.

Sent from my iPhone

On Mar 28, 2024, at 9:54 AM, James, Corin <James.Corin01@epa.gov> wrote:

CUI//PRIVILEGE

Thanks, Ben. Sounds good.

And just to confirm – we'll get another crack at a draft of this before it goes to management review?

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 9:28 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE



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Excellent! Anything you can provide would help – but no need to turn this into a fire drill, just trying to keep it moving.

And thanks again!

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From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 28, 2024 8:40 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Wow, thanks Ben. You're quick!

I'm not sure what others have on their plate today, but we'll get you something by 7pm tonight.

Safe travels!

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 12:50 AM

To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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Team –

I've addressed many of your comments, accepted lots of your (excellent!) edits, and folded in some new work I'd done in Section 1.

Ex. 6 Personal Privacy (PP)

My plan is to log back on around 7p tomorrow and start by focusing on re-organizing and tightening Section 1 in particular. Could you get me another round of comments / responses to my edits by then?

Thanks – so much – for all of your hard work and attention on this.

Ben

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From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, March 27, 2024 8:24 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hi Ben,

Thanks for your patience on this. Attached is our next round of comments/edits. We didn't get to everything we wanted to, as you'll probably see in some of the back and forth in our comments. So more to come, and especially on section II of the argument, which we didn't get to look at as closely as the first part. But I think this should give you a good amount to work from in the meantime.

As always, let us know if it would be helpful to set up some time to discuss.

Thanks,
Corin

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 21, 2024 6:16 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

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Team EPA:

Attached is the current draft of the brief. There are still some holes for me to fill – p**Ex. 5 AC/AWP/DP** and quite a bit of polishing to be done, but I'm generally happy with the structure of the brief.

Here's the remaining editing schedule:

1. **Wednesday March 27 –** EPA returns comments (Round 2)
2. **Monday April 1 –** Third draft to EPA ("Near Final") / Clean-up Week
3. **Thursday, April 4 (PM)** – Brief to Eric (DOJ Reviewer) / EPA Management Review (Concurrent)
4. **Thursday, April 11 –** Comments back from Eric / EPA Management
5. **Monday, April 15 –** Brief to DOJ front office
6. **Monday, April 22 –** Brief due

I will continue to push / polish / revise the areas I have flagged. Eric has now requested the brief by Thursday afternoon (4/4), so my hope is to push up the "Near Final" Third Draft to you by Friday 3/29, so I can get your comments one last time by Tuesday (3/2) or Wednesday (3/3) before sending it to him.

Thank you all for your continued hard work on this.

Ben

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From: Grillot, Benjamin (ENRD)
Sent: Tuesday, March 19, 2024 5:58 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

This Corin. This is excellent – and largely tracks what I'm doing. A huge thanks to your OGC folks.

From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, March 19, 2024 5:54 PM

To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hi Ben, as a quick follow up – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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From: James, Corin
Sent: Tuesday, March 19, 2024 11:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

Thanks for the update Ben.

I think that the arguments/comments I added to your draft that I sent along on Friday should help to flesh out some of your points in the new argument outline Ex. 5 AC/AWP/DP If there are other specific pieces of the outline that you're looking for feedback on, let us know.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Tuesday, March 19, 2024 10:44 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

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Hi Team –

Ex. 6 Personal Privacy (PP)

so I'm going to be a little delayed on my next draft – but will aim to get it to you on Thursday so we can stay on track.

Any thoughts you have on Eric and I's outline of the new argument in the interim would be welcome.

Thanks all –

Ben

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 15, 2024 5:42 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. I'll take a closer look at this on Monday but I generally was happy to see that we still plan **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

In the meantime, here are our comments on the first draft you sent. I didn't have as much time to flesh out everything that I would've liked to, but hopefully this is a good start. I tried to provide comments to suggest other pieces that could be fleshed out more, depending on which roads we want to spend our time (and words) going down.

Let us know if you want to set up some time to discuss any of our comments or anything else.

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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

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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..

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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.

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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

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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

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I'm happy to discuss today – and may have overstated / mis-stated the scope of the intended reframing.

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It seems the above paragraph is the largest point of disconnect between the two proposed framings.

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.

Ex. 5 AC/AWP/DP

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

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

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All –

I had a discussion today with my manager on this and he's suggesting we take a somewhat different tack on the first argument, as follows:

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

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

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.

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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 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: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/1/2024 2:54:42 PM
To: James, Corin [James.Corin01@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: WildEarth Guardians v. Environmental Protection Agency
Attachments: WildEarth Guardians v Environmental Protection Agency.pdf

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

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-----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

Westlaw © 2024 Thomson Reuters. No claim to original U.S. Government Works.

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 4/1/2024 3:32:36 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Vijayan, Abi [Vijayan.Abi@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]; Snyder, Erik [snyder.erik@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Watkins, Nealson [Watkins.Nealson@epa.gov]
CC: Talty, Mark [Talty.Mark@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case
Attachments:2024.02.23 Petition for Rehearing En Banc - annotated by OGC ORC.docx

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

ENV_DEFENSE-#1164892-v2-Texas_v_EPA(SO2)_Response_to_En_Banc_Pet_+EPA.docx

Hi all,

Ex. 5 AC/AWP

(202) 564-2286 (office & telework)

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, March 29, 2024 6:13 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Snyder, Erik <snyder.erik@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion

Dropping Perry, but adding OAQPS and R6 air staff, and replacing Perry's draft with a sharepoint version to put all of our comments on.

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, March 29, 2024 2:23 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>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion

CUI//PRIVILEGE

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

Hi All,

Enclosed is the initial draft of our response to the En Banc Petition. Under the schedule that Hali and I discussed, I was going to get you all the draft on Monday with Hali returning your collective comments on Wednesday. Since I am delivering the draft today, I wanted to see if it was possible to get your collective comments by the end of the day on Tuesday. That would help me with initiating the review process here in a timely manner.

A few comments about the draft:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

That's it 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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:11 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: [EXTERNAL] Texas v. EPA (SO2) - Modeling Discussion

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP

Talk soon,
Hali

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

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From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Wednesday, March 20, 2024 12:22 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>
Subject: RE: Modeling off by three times

I was just about to forward this to you Hali, we should also forward it along to DOJ. Great work Erik, this is going to be very helpful for our response.

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Wednesday, March 20, 2024 11:14 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: FW: Modeling off by three times

Hali,

I'm not actively annotating the document but I did spend some time reading the document yesterday and I wanted you have the benefit this exchange I had with Erik regarding one of the questions I had. Erik may have folded something similar into the document.

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Wednesday, March 20, 2024 10:10 AM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Modeling off by three times

Ex. 5 AC/AWP

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Wednesday, March 20, 2024 8:19 AM
To: Snyder, Erik <snyder.erik@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Modeling off by three times

Ex. 5 AC/AWP

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Tuesday, March 19, 2024 2:24 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: Modeling off by three times

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Erik Snyder.
Lead Regional Air Quality Modeler
(214) 665-7305 | snyder.erik@epa.gov
Division of Air and Radiation | U.S. EPA, Region 6 Dallas, TX

Message

From: OGC IO Notifications [OGC-IO-Notifications@epa.gov]
Sent: 4/1/2024 4:00:25 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; OGC IO Administrative Professional Staff [OGCFrontOfficeSupportStaff@epa.gov]; OGC Immediate Office MGMT [OGC_Immediate_Office_MGMT@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: New Litigation: Center for Biological Diversity, et al. v. Regan, No. 24-1874 (9th Cir.)
Attachments: CBD v. Regan 22-cv-3309 - Order Denying Motion to Enforce.pdf

Importance: Low

Date Received: 2024-03-28

Parties/Requestors: Center for Biological Diversity

Statute: Clean Air Act

Summary of Action:

Ex. 5 AC/AWP

Does EPA have a statutory obligation to respond?:
By what date?:

Click Here to Open Item

Message

From: Boydston, Michael [Boydston.Michael@epa.gov]
Sent: 4/1/2024 4:09:25 PM
To: Robyn.Wille (Robyn.Wille@coag.gov) [Robyn.Wille@coag.gov]; Laura Terlisner Mehew [Laura.Mehew@coag.gov]; rylie.slaybaugh@coag.gov [Rylie.Slaybaugh@coag.gov]; Carrie Noteboom [carrie.noteboom@coag.gov]
CC: Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Schefski, Kenneth (KC) [Schefski.Kenneth@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; James, Corin [James.Corin01@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Volk, Everett [volk.everett@epa.gov]
Subject: Reporting issues / CO Attorneys call follow-up
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

Hi everyone –

Ex. 5 AC/DP

We're looking forward to speaking with you again later this week.

Michael Boydston
Senior Assistant Regional Counsel
EPA Region 8
303.312.7103
he / him

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 4/1/2024 5:07:29 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]
Subject: RE: Detroit redesignation - applicable requirements history

Good afternoon, Eric –

Apologies for the late response.

Ex. 5 AC/AWP/DP

Have a good day,

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: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Thursday, March 28, 2024 3:20 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>
Subject: Detroit redesignation - applicable requirements history

Hey Kaytrue and Yasmin –

Ex. 5 AC/AWP/DP

But if you can think of another way I can make this resource more useful, let me know!

Eric

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 4/1/2024 6:31:18 PM
To: Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Monday, April 1, 2024 2:18 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi y'all –

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, March 29, 2024 3:33 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks much for your review - Dan

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Thursday, March 28, 2024 4:37 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>

Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

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Ex. 5 AC/DP

MO 2015 Ozone Interstate Transport SIP NPRM concurrence copy - OGC.docx

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary
Sent: Wednesday, March 27, 2024 1:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

Ex. 5 AC/DP

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

-----Original Appointment-----
From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 11:44 AM
To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 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)

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: Doster, Brian [Doster.Brian@epa.gov]
Sent: 4/1/2024 9:46:41 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: McNerney, Matthew [McNerney.Matthew@epa.gov]
Subject: RE: ISO BORG consult on MRR requirements
Attachments: 1990 10 00 Guidance NSR Workshop Manual.pdf

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 1, 2024 5:25 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; OGC ARLO <OGC_ARLO@epa.gov>
Subject: RE: ISO BORG consult on MRR requirements

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 5:10 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: ISO BORG consult on MRR requirements
Importance: High

Friends:

Corin, Abi and I need some additional help related to MRR questions.

Ex. 5 AC/DP

G

PS Do not shoot the messenger/inquirer.

Controlled by U.S. Environmental Protection Agency

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 4/1/2024 9:48:13 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: ISO BORG consult on MRR requirements
Attachments: TN-392-PR_ForHQReview_OGCoffline.docx; NOX Monitoring Alternatives Final Rule (2019) 2019-03854.pdf; NOX Monitoring Alternatives Proposed Rule 83 FR 48751 (Sept 27, 2018).pdf; Ark Phase III (Domtar) Final Rule 86 FR 15104 (March 22, 2021).pdf; Final Good Neighbor Plan, 88 FR 36654 (June 5, 2023).pdf

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 5:10 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: ISO BORG consult on MRR requirements
Importance: High

CUI//PRIVILEGE

Friends:

Corin, Abi and I need some additional help related to MRR questions.

Ex. 5 AC/DP

G

PS Do not shoot the messenger/inquirer.

Controlled by U.S. Environmental Protection Agency

Message

From: Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]
Sent: 4/2/2024 1:22:25 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]
Subject: RE: ISO BORG consult on MRR requirements-More R3 TV petitions
Attachments: Signed - US Steel Edgar Thompson Order.pdf

CUI//PRIVILEGE

Ex. 5 AC/DP

Neil

Neil Bigioni (he/him/his)
Sr al Counsel
US c Region
Ph 81
Em epa.gov

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, April 02, 2024 9:07 AM
To: Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: ISO BORG consult on MRR requirements-More R3 TV petitions

CUI//PRIVILEGE

N:

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>
Sent: Tuesday, April 2, 2024 8:59 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: ISO BORG consult on MRR requirements-More R3 TV petitions

CUI//PRIVILEGE

I sent Covanta TV Order in an earlier email.

Ex. 5 AC/DP

Neil

Neil Bigioni (he/him/his)
Sr ...al Counsel
US ...c Region
Ph ...81
Em ...epa.gov

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 01, 2024 5:38 PM
To: Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: ISO BORG consult on MRR requirements

CUI//PRIVILEGE

Hi Neil,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>
Sent: Monday, April 1, 2024 5:34 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: ISO BORG consult on MRR requirements

CUI//PRIVILEGE

Abi,

Ex. 5 AC/DP

Neil

Neil Bigioni (he/him/his)
Sr [illegible]al Counsel
US [illegible]c Region
Ph [illegible]81
Em [illegible]epa.gov

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 01, 2024 5:25 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; OGC ARLO <OGC_ARLO@epa.gov>
Subject: RE: ISO BORG consult on MRR requirements

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 5:10 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: ISO BORG consult on MRR requirements
Importance: High

CUI//PRIVILEGE

Friends:

Ex. 5 AC/DP

G

PS Do not shoot the messenger/inquirer.

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Message

From: Cottingham, Laura [Cottingham.Laura@epa.gov]
Sent: 4/2/2024 1:25:01 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: ISO some additional due diligence information
Attachments: DCP Platteville Plant T5 Petition vfin.pdf; DCP Platteville Title V Petition Order 2.22.24.docx

CUI//PRIVILEGE

Yes, thanks Abi – attached is the petition and the draft response (which has progressed past OAR but has not been signed yet).

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Ex. 5 AC/DP

Laura Cottingham
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office
(202) 564-1038
cottingham.laura@epa.gov

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 1, 2024 9:23 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Cottingham, Laura <Cottingham.Laura@epa.gov>
Subject: RE: ISO some additional due diligence information

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 9:09 PM
To: Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: ISO some additional due diligence information

CUI//PRIVILEGE

R8 Friends:

Ex. 5 AC/DP

Please advise.

G

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Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/3/2024 4:28:31 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments
Attachments: ENV_DEFENSE-#1165855-v1-Texas_v_EPA__-_EPA_Answering_Brief_-_1_April_EPA edits_2024.4.3.docx

Hey Ben, see attached for our edits on this round – sorry a bit late. I highlighted a couple comments in there for extra awareness for you on some consistency things. As always, let us know if you want to discuss.

Thanks,
Corin

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Monday, April 1, 2024 9:54 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

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All –

Attached is the latest draft – now with an Introduction / Statement of the Issues / Summary of the Argument! I've also "finished" the few remaining placeholders I had left and wrestled with y'alls edits. I've left a few comments in for discussion.

Ex. 5 AC/AWP/DP

And I'd love to get edits back by Wednesday at noon, so I can send the draft to Eric on Thursday morning (which you can send to your management at the same time).

Thanks, so much, for all of your hard work and attention to this.

Ben

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 29, 2024 12:09 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Hey Ben, see attached for our latest round of edits/comments.

Ex. 5 AC/AWP/DP

Thanks,
Corin

From: James, Corin
Sent: Thursday, March 28, 2024 7:55 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Sounds good, thanks Ben! Appreciate the extra time. I'll send back tomorrow by noon.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 7:52 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

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Sounds good. How about tomorrow at noon?

My morning is pretty tied up – but I'm clear tomorrow afternoon and through the weekend to get this in Near Final shape by Monday morning.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 28, 2024 7:03 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: [EXTERNAL] RE: Texas v EPA - Legal Arguments

Thanks, Ben. We're still working through some things – what's your timing like? We don't want to mess with your schedule.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 3:30 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: [EXTERNAL] RE: Texas v EPA - Legal Arguments

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That's right. I'll have a clean "near final" for you on Monday. And I'll need edits back by Wednesday AM to get the management draft out by Wednesday PM.

Sent from my iPhone

On Mar 28, 2024, at 9:54 AM, James, Corin <James.Corin01@epa.gov> wrote:

CUI//PRIVILEGE

Thanks, Ben. Sounds good.

And just to confirm – we'll get another crack at a draft of this before it goes to management review?

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 9:28 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

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Excellent! Anything you can provide would help – but no need to turn this into a fire drill, just trying to keep it moving.

And thanks again!

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From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, March 28, 2024 8:40 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Wow, thanks Ben. You're quick!

I'm not sure what others have on their plate today, but we'll get you something by 7pm tonight.

Safe travels!

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 28, 2024 12:50 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

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Team –

I've addressed many of your comments, accepted lots of your (excellent!) edits, and folded in some new work I'd done in Section 1.

I'll be driving most of the day tomorrow (back to DC from Ohio – it's my daughter's spring break this week), so thought I'd get this back in front of you while I can't type.

Ex. 5 AC/AWP/DP

Thanks – so much – for all of your hard work and attention on this.

Ben

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From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, March 27, 2024 8:24 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

CUI//PRIVILEGE

Hi Ben,

Ex. 5 AC/AWP/DP

As always, let us know if it would be helpful to set up some time to discuss.

Thanks,
Corin

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, March 21, 2024 6:16 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

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Team EPA:

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Here's the remaining editing schedule:

1. **Wednesday March 27 –** EPA returns comments (Round 2)
2. **Monday April 1 –** Third draft to EPA ("Near Final") / Clean-up Week
3. **Thursday, April 4 (PM)** – Brief to Eric (DOJ Reviewer) / EPA Management Review (Concurrent)
4. **Thursday, April 11 –** Comments back from Eric / EPA Management
5. **Monday, April 15 –** Brief to DOJ front office
6. **Monday, April 22 –** Brief due

I will continue to push / polish / revise the areas I have flagged. Eric has now requested the brief by Thursday afternoon (4/4), so my hope is to push up the "Near Final" Third Draft to you by Friday 3/29, so I can get your comments one last time by Tuesday (3/2) or Wednesday (3/3) before sending it to him.

Thank you all for your continued hard work on this.

Ben

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From: Grillot, Benjamin (ENRD)
Sent: Tuesday, March 19, 2024 5:58 PM
To: James, Corin <James.Corin01@epa.gov>

Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

This Corin. This is excellent – and largely tracks what I'm doing. A huge thanks to your OGC folks.

From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, March 19, 2024 5:54 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: Texas v EPA - Legal Arguments

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From: James, Corin
Sent: Tuesday, March 19, 2024 11:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

Thanks for the update Ben.

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From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Tuesday, March 19, 2024 10:44 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: Texas v EPA - Legal Arguments

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Hi Team –

Just a heads up that I'm in Ohio to help my mom with her foot surgery. She's going to need another day in the hospital, so I'm going to be a little delayed on my next draft – but will aim to get it to you on Thursday so we can stay on track.

Any thoughts you have on Eric and I's outline of the new argument in the interim would be welcome.

Thanks all –

Ben

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From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 15, 2024 5:42 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

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Let us know if you want to set up some time to discuss any of our comments or anything else.

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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

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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.

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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

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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.

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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

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I'm generally available after 11a today to discuss. Let me know a good time for your team.

And thanks!

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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

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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

G

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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

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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

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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.

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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

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All –

Ex. 5 AC/AWP/DP

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

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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.

Ex. 5 AC/AWP/DP

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!

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I'd be happy to set something up if you let me know some days/times that would work for you.

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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

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Team EPA:

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: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/3/2024 7:30:15 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

I was planning to turn to this either before or after the Detroit meeting today, so works for me!

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 3, 2024 2:17 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Sounds good, please make sure to coordinate with Libby. Libby, are you able to look at this one as well?

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, April 3, 2024 3:11 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

A:

I have to go to the dentist, but hopefully will be back on line later today and will prioritize looking at this for Dan.

G

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 3, 2024 3:07 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>

Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi all,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 2, 2024 1:42 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ok, thank you Abi and team.

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, April 2, 2024 1:35 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 2, 2024 11:20 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

Ex. 5 AC/DP

Thank you!

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel
Sent: Monday, April 1, 2024 2:31 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Monday, April 1, 2024 2:18 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi y'all –

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, March 29, 2024 3:33 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks much for your review - Dan

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Thursday, March 28, 2024 4:37 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

MO 2015 Ozone Interstate Transport SIP NPRM concurrence copy - OGC.docx

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary
Sent: Wednesday, March 27, 2024 1:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

-----Original Appointment-----
From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 11:44 AM
To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 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: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/3/2024 7:41:05 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: 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]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: Review Appreciated: CDD/Extraordinary Event Arguments for Detroit 6th Circuit Challenge
Attachments: ENV_DEFENSE-#1124092-v1-Detroit__Petitioner_s_Opening_Brief.PDF; ENV_DEFENSE-#1174770-v1-Detroit__Review_Draft_for_Exceptional_Event_CDD_Arguments.DOC
Importance: High

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

Hello Eric,

Ex. 5 AC/AWP

Best,
Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

-----Original Message-----
From: Gange, Heather (ENRD)
Sent: Monday, April 1, 2024 8:47 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: [EXTERNAL] RE: Detroit Redesignation Questions

Hello Eric,

Ex. 5 AC/AWP

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

-----Original Message-----
From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Monday, April 1, 2024 3:00 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: [EXTERNAL] RE: Detroit Redesignation Questions

Hi Heather -

Hope you had a nice weekend. As the calendar has turned to April, I wanted to check in regarding our response brief due Tuesday 23 April.

Do you have an estimate for when EPA can see a draft? Are you available for a call, to discuss any thorny issues in the brief and/or a process for review?

Looking forward to the home stretch all together - thanks.

Eric

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 4/3/2024 8:43:12 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; 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: JOINT_MOTION_TO_GOVERN_(APR_2023) as filed.pdf

CUI//PRIVILEGE

Hi all – Purely FYI, Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP 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: Tuesday, April 2, 2024 11:27 AM
To: Sugerik, Corey (he/him/his) <Sugerik.Corey@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

Hi Corey,

FYI, DOJ filed the attached joint motion to govern yesterday in the challenge to our title V affirmative defense rule. Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Please do not forward this email beyond your management chain. Thanks.

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

From: Hong, Jeanhee
Sent: Monday, March 18, 2024 10:15 AM
To: 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

Hi Corey,

Thanks for asking. You can feel free to share my email below with your management in OAQPS, but it may be better not to distribute this detailed analysis more broadly given we are in litigation on this action. Assuming you don't need to provide so much detail to all the APMs, I would suggest you share this shorter summary note with them:

Ex. 5 AC/AWP/DP

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

From: Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Sent: Monday, March 18, 2024 9:26 AM
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

Hey Jeanhee, just to check is it ok that I send this to the Air Permit Managers, they are starting to get extension requests and other inquiries so it would be helpful to pass this on so they can press on with program changes. Thanks!
Corey

Controlled by U.S. Environmental Protection Agency

From: Sugerik, Corey (he/him/his)
Sent: Monday, March 18, 2024 9:56 AM

To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks so much Jeanhee!

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 14, 2024 7:00 PM
To: Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

FYI. Pls forward only as needed.

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 3:57 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.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

Re-sending with CUI tag (please delete earlier email).

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 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.

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/3/2024 8:48:46 PM
To: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; 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
Attachments: SSM SIP call decision

CUI//PRIVILEGE

Hi Jeanhee,

Thanks for reaching out. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP And happy to find time to talk more if it would be helpful.

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: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, April 3, 2024 3:43 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; 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 all – Purely FYI, 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: Hong, Jeanhee
Sent: Tuesday, April 2, 2024 11:27 AM
To: Sugerik, Corey (he/him/his) <Sugerik.Corey@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

Hi Corey,

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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Air and Radiation Law Office
(202) 565-0040

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Air and Radiation Law Office
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CUI//PRIVILEGE

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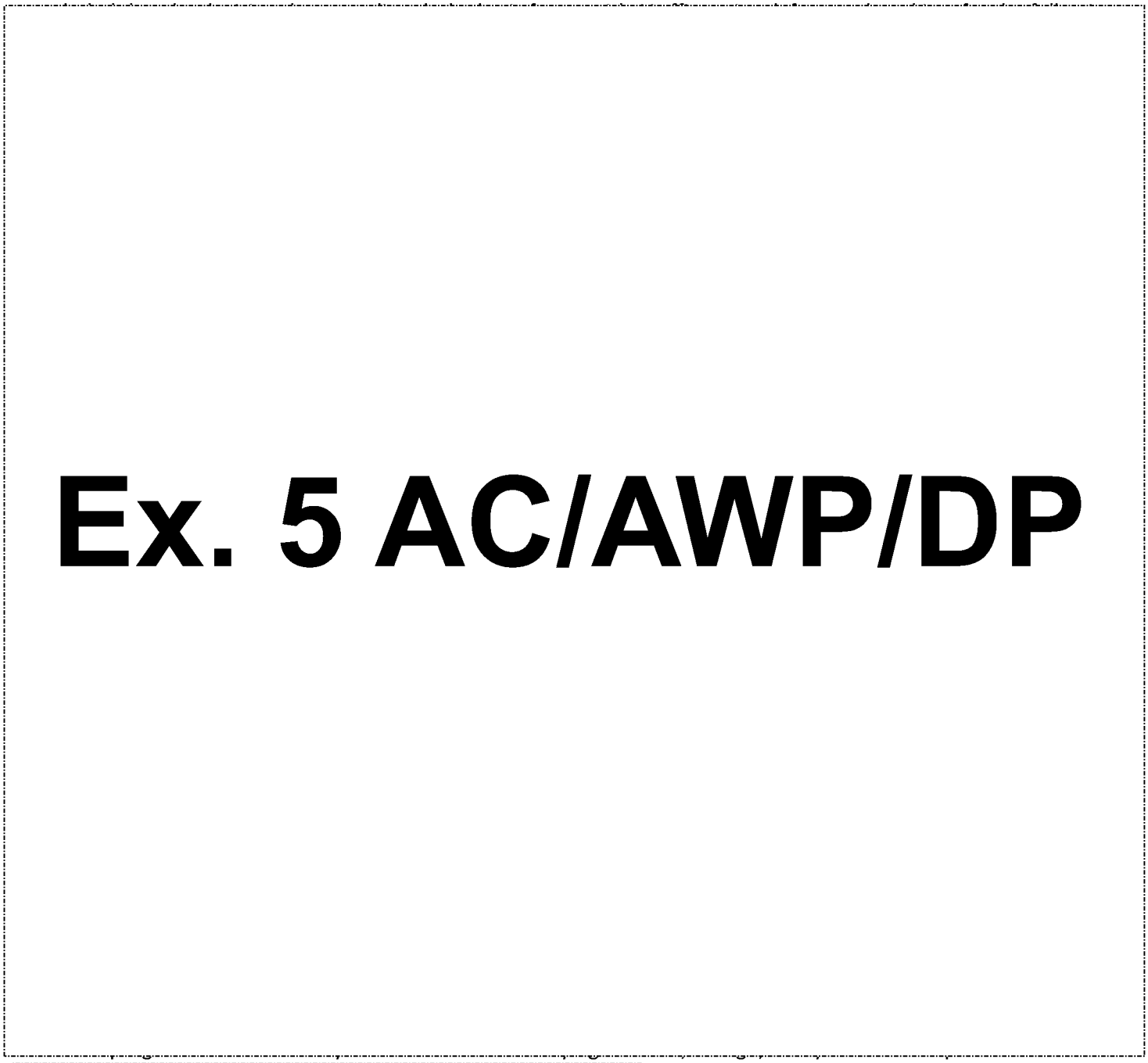

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Jeanhee Hong (she/her)
USEPA Office of General Counsel
Air and Radiation Law Office
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CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Thanks very much, Libby. I'll be sure to reach out if we need more brainstorming assistance.

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

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Wednesday, April 3, 2024 1:49 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
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Ex. 5 AC/AWP/DP

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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

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Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; 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

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

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Ex. 5 AC/AWP/DP

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CUI//PRIVILEGE

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CUI//PRIVILEGE

FYI. Pls forward only as needed.

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 3:57 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.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

Re-sending with CUI tag (please delete earlier email).

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. 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.

Message

From: Brown, Lucy E. (ENRD) [Lucy.E.Brown@usdoj.gov]
Sent: 4/4/2024 1:13:02 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]; Fulton, Abby [Fulton.Abby@epa.gov]
Subject: RE: CBD v. EPA - Final Brief as filed
Attachments: DN 010111026572 CBD Reply 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—Here is CBD's reply brief. The court has not scheduled oral argument yet.

Thanks,
Lucy

From: Brown, Lucy E. (ENRD)
Sent: Wednesday, March 13, 2024 12:39 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

Hi everyone,

The State of Colorado's brief is attached.

Thanks,

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

From: Brown, Lucy E. (ENRD)
Sent: Wednesday, March 6, 2024 10:17 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>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - Final Brief as filed

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: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/4/2024 1:57:58 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: Texas v EPA - 4 April Draft - Clean.DOCX; Texas v EPA - 4 April Draft - With Comments.DOCX

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All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

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-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)

Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

Westlaw © 2024 Thomson Reuters. No claim to original U.S. Government Works.

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/4/2024 3:07:18 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: For review: Texas CMs brief
Attachments: Texas v EPA - 4 April Draft - Clean.DOCX; Texas v EPA - 4 April Draft - With Comments.DOCX

CUI//PRIVILEGE

Hi Gautam,

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/4/2024 4:04:32 PM
To: Doster, Brian [Doster.Brian@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: Pen's Down at 11 on this draft -- RE: CBD Revised Draft Brief - Colorado APEN - Shared Draft -
Attachments: EPA Reply Brief.pdf

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Thursday, April 4, 2024 10:49 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: Pen's Down at 11 on this draft -- RE: CBD Revised Draft Brief - Colorado APEN - Shared Draft -

Ex. 5 AC/AWP

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, April 4, 2024 10:44 AM
To: Doster, Brian <Doster.Brian@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Pen's Down at 11 on this draft -- RE: CBD Revised Draft Brief - Colorado APEN - Shared Draft -

Ex. 5 AC/AWP

From: Doster, Brian <Doster.Brian@epa.gov>
Sent: Thursday, April 4, 2024 9:35 AM
To: Volk, Everett <volk.everett@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Pen's Down at 11 on this draft -- RE: CBD Revised Draft Brief - Colorado APEN - Shared Draft -

Ex. 5 AC/AWP

From: Doster, Brian
Sent: Wednesday, April 3, 2024 4:18 PM
To: Volk, Everett <volk.everett@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>
Subject: RE: CBD Revised Draft Brief - Colorado APEN - Shared Draft

Here is a shared draft for consolidating comments. Note that David is asking for a quick turnaround, by 11 am ET tomorrow.

ENV_DEFENSE-#1164090-v2-CBD_EPA_Brief_Draft - shared epa draft.docx

Message

From: Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Sent: 4/4/2024 8:20:15 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Thursday, April 4, 2024 4:18 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 3, 2024 3:35 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

That works, Geoff just noted separately that he's out for an appointment this afternoon but he and Libby plan to review soon.

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, April 3, 2024 3:11 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

I'd rather we work out within OGC the edits we would propose first, and then send the draft to the HQ transport team (OAQPS and CAPD). We would include a note for GSG to share with SLPG. Does that work?

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 3, 2024 3:07 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi all,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 2, 2024 1:42 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>

Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ok, thank you Abi and team.

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, April 2, 2024 1:35 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 2, 2024 11:20 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

Ex. 5 AC/DP

Thank you!

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel
Sent: Monday, April 1, 2024 2:31 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Monday, April 1, 2024 2:18 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi y'all –

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

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Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, March 29, 2024 3:33 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks much for your review - Dan

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Thursday, March 28, 2024 4:37 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Ex. 5 AC/DP

MO 2015 Ozone Interstate Transport SIP NPRM concurrence copy - OGC.docx

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary
Sent: Wednesday, March 27, 2024 1:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

Ex. 5 AC/DP

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

-----Original Appointment-----
From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 11:44 AM
To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 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)

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: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/4/2024 11:37:57 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: 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]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: Updated Detroit Draft
Attachments: ENV_DEFENSE-#1174770-v2-Detroit__Draft_EPA_Response_Brief.DOC

Importance: High

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

Hi everyone,

Ex. 5 AC/AWP

Heather E. GangeSenior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Thursday, April 4, 2024 12:11 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: [EXTERNAL] RE: Review Appreciated: CDD/Extraordinary Event Arguments for Detroit 6th Circuit Challenge

Hi Heather –

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Thursday, April 4, 2024 10:43 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Review Appreciated: CDD/Extraordinary Event Arguments for Detroit 6th Circuit Challenge

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

Hi Eric,

I just recalled that this is your first petition case. The following might help streamline the review and comment process:

Ex. 5 AC/AWP

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Gange, Heather (ENRD)
Sent: Wednesday, April 3, 2024 3:57 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Review Appreciated: CDD/Extraordinary Event Arguments for Detroit 6th Circuit Challenge

Hi Eric,

Thank you for the confirmation. If it would be helpful, I'm happy to make time to discuss comments or questions before you all send redlines. Sometimes a quick discussion can save hours of angst and typing.

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Wednesday, April 3, 2024 3:48 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: [EXTERNAL] RE: Review Appreciated: CDD/Extraordinary Event Arguments for Detroit 6th Circuit Challenge

Hi Heather – just wanted to confirm quickly that we've received your email and attachment. Let me circle with EPA colleagues before responding to the other aspects of your email. Thanks for all your work on this.

OGC and Eaton – I'll plan to coordinate version control. Keep an eye out for a notification from OneDrive / SharePoint with a shared document for collective edits.

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Wednesday, April 3, 2024 2:41 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: Review Appreciated: CDD/Extraordinary Event Arguments for Detroit 6th Circuit Challenge
Importance: High

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

Hello Eric,

Ex. 5 AC/AWP

Best,
Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

-----Original Message-----
From: Gange, Heather (ENRD)
Sent: Monday, April 1, 2024 8:47 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: [EXTERNAL] RE: Detroit Redesignation Questions

Hello Eric,

Ex. 5 AC/AWP

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

-----Original Message-----
From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Monday, April 1, 2024 3:00 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: 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>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: [EXTERNAL] RE: Detroit Redesignation Questions

Hi Heather -

Hope you had a nice weekend. As the calendar has turned to April, I wanted to check in regarding our response brief due Tuesday 23 April.

Do you have an estimate for when EPA can see a draft? Are you available for a call, to discuss any thorny issues in the brief and/or a process for review?

Looking forward to the home stretch all together - thanks.

Eric

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/5/2024 1:09:17 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: For optional review: Texas SIP disapproval brief
Attachments: Texas v EPA - 4 April Draft - Clean.DOCX

CUI//PRIVILEGE

Hi Susannah,

Ex. 5 AC/AWP

Let me know if you have any questions and if you'd like to review, what your timing might be.

Thanks,
Corin

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Message

From: Doster, Brian [Doster.Brian@epa.gov]
Sent: 4/5/2024 1:14:57 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: Brief for Review - Colorado SIP Case - DOJ Requests Review by COB Monday (4/8), Filing Due Wednesday (4/10)
Attachments: ENV_DEFENSE-#1164090-v4-CBD_EPA_Brief_Draft.DOCX; Petitioners Opening Briefing - Colorado APEN SIP Challenge.pdf

Gautam,

Ex. 5 AC/AWP

Brian

Message

From: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/5/2024 1:31:26 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: 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]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: RE: [EXTERNAL] RE: Updated Detroit Draft
Attachments: ENV_DEFENSE-#1174770-v2-Detroit__Draft_EPA_Response_Brief.DOC

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

Hi Eric,

Ex. 5 AC/AWP

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 4/5/2024 2:10:12 PM
To: Marks, Matthew [Marks.Matthew@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case
Attachments: 2024.1.11.Opinion Affirming Designation.pdf; 2024.02.23 Petition for Rehearing En Banc.pdf

Ah, of course, thank you!

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

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Friday, April 5, 2024 9:59 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Hi Hali, can you share the incoming brief and the original opinion? Thanks!

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

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Friday, April 5, 2024 8:50 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Hi Gautam and Matt,

Ex. 5 AC/AWP

Thanks so much,
Hali

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

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 4/5/2024 4:35:32 PM
To: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: 23-1418 State of West Virginia v. EPA "Petition for rehearing en banc"
Attachments: 64 - Petition for Rehearing En Banc.pdf

Hi Corin and Abi,

Ex. 5 AC/AWP

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

From: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Sent: Friday, March 29, 2024 12:09 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Lineberry, Amanda (ENRD) <Amanda.Lineberry@usdoj.gov>; Lin, Albert (ENRD) <Albert.Lin@usdoj.gov>; Izfar, Sarah (ENRD) <Sarah.Izfar@usdoj.gov>; Lee, Jin Hyung (ENRD) <Jin.Hyung.Lee@usdoj.gov>; Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Jensen, Miranda (ENRD) <Miranda.Jensen@usdoj.gov>
Subject: FW: 23-1418 State of West Virginia v. EPA "Petition for rehearing en banc"

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

Attached is the filed PFREB. Thanks for everyone's work on this, and hope you have a nice weekend.

From: ecfnoticing@ca4.uscourts.gov <ecfnoticing@ca4.uscourts.gov>
Sent: Friday, March 29, 2024 3:06 PM
To: Hardee, Alex (ENRD) <Alex.Hardee@usdoj.gov>
Subject: 23-1418 State of West Virginia v. EPA "Petition for rehearing en banc"

*****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 the Fourth Circuit

Notice of Docket Activity

The following transaction was entered on 03/29/2024 at 3:05:53 PM Eastern Daylight Time and filed on 03/29/2024

Case Name:	State of West Virginia v. EPA
Case Number:	23-1418
Document(s):	Document(s)

Docket Text:
PETITION for rehearing en banc by EPA and Michael S. Regan. [1001544948] [23-1418] Alex Hardee

Notice will be electronically mailed to:

Michael Ray Williams: Michael.R.Williams@wvago.gov, choffman@wvago.gov, jharwell@wvago.gov
Mr. Elbert Lin: ELin@huntonak.com, johnsont@huntonak.com
Ms. Lindsay Sara See: lindsay.s.see@wvago.gov, choffman@wvago.gov, jharwell@wvago.gov
Kevin S. Elliker: kelliker@huntonak.com, erodriguez@huntonak.com, smeharg@huntonak.com
Mr. Seth L. Johnson: sjohnson@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
Amanda Virginia Lineberry: amanda.lineberry@usdoj.gov, efile_eds.enrd@usdoj.gov
Alex J. Hardee: alex.hardee@usdoj.gov, efile_eds.enrd@usdoj.gov
Alexandra L. St. Romain: alexandra.st.romain@usdoj.gov, nathaniel.cavin@usdoj.gov, efile_eds.enrd@usdoj.gov
David N. Goldman: dgoldman@huntonak.com
Elizabeth Carter Chandler Clements: eclements@huntonak.com, sfisher@huntonak.com

The following document(s) are associated with this transaction:
Document Description: Petition for rehearing en banc
Original Filename: WV_-_Petition_For_Rehearing_En_Banc_-_Final_-_3-29-24.PDF
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105645354 [Date=03/29/2024] [FileNumber=1001544948-0] [67a6466bc140ca66aa819ed862e597329bcd568cd51b1e68fbff4dcc6c11eebd2413786f0274091e6cd976674af63aa84bfbea53b12e71978e56e56e584b9b31]]

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/8/2024 1:41:00 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: For review: Texas CMs brief
Attachments: Texas Contingency Measures Lit - Texas Brief - 2-21-24.pdf; Texas v EPA - 23-60616 - Oil and Gas Assn - Amicus Brief.pdf

CUI//PRIVILEGE

Hi Gautam, thanks. I think Wednesday should be fine, I'll confirm with DOJ today.

See attached for incoming brief and the amicus brief too.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, April 8, 2024 9:34 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: For review: Texas CMs brief

CUI//PRIVILEGE

Hi Corin. I wasn't able to get this Friday or over the weekend. How about if I get you comments by Wednesday? Also, do mind (re)sending the incoming brief? Thanks.

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

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 4, 2024 11:07 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: For review: Texas CMs brief

CUI//PRIVILEGE

Hi Gautam,

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/8/2024 2:38:09 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Doster, Brian [Doster.Brian@epa.gov]
Subject: FW: PM NAAQS statement of issues
Attachments: 24-1052 Statement of Issues - TX (2048452).pdf; 24-1051 Statement of Issues - Industry (2048427).pdf; 24-1050 Statement of Issues - States (2048407).pdf

Ex. 5 AC/AWP

If parts of that already look unworkable to you due to summer vacation let me know. Also if you think it's worth discussing the issue with DOJ prior to seeing petitioners' briefs let me know?

Thanks,

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

From: Orlin, David
Sent: Monday, April 8, 2024 10:30 AM
To: Perlmutt, Lars <perlmutt.lars@epa.gov>; Hagan, Nicole <Hagan.Nicole@epa.gov>; Sacks, Jason (he/him/his) <Sacks.Jason@epa.gov>
Cc: Wesson, Karen <Wesson.Karen@epa.gov>
Subject: PM NAAQS statement of issues

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Where are we on the certified index? I am happy to find time to meet and discuss it, but I am hoping to get it to DOJ on Thursday (I will be out Friday and we owe it to DOJ by Monday).

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

From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Saturday, April 6, 2024 9:21 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: Friday Filings



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

Hi David,

Attached are a slew of filings that we received on Friday:

Ex. 5 AC/AWP

Let us know if you have any questions - Hope you have a great weekend!

Best,

Alex

Alex St. Romain
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202-532-3284
alexandra.st.romain@usdoj.gov

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/8/2024 2:59:04 PM
To: Sasser, Erika [Sasser.Erika@epa.gov]
CC: Wesson, Karen [Wesson.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: PM NAAQS litigation update
Attachments: 24-1052 Statement of Issues - TX (2048452).pdf; 24-1051 Statement of Issues - Industry (2048427).pdf; 24-1050 Statement of Issues - States (2048407).pdf

Erika,

A few developments in the PM NAAQS I wanted to mention:

Ex. 5 AC/AWP

Thanks,

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

From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Saturday, April 6, 2024 9:21 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: Friday Filings

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

Hi David,

Attached are a slew of filings that we received on Friday:

Ex. 5 AC/AWP

Let us know if you have any questions - Hope you have a great weekend!

Best,
Alex

Alex St. Romain
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202-532-3284
alexandra.st.romain@usdoj.gov

Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 4/8/2024 4:43:55 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
Subject: RE: Ukeiley Suit 2024 Tracking Table and Shared Folder

CUI//PRIVILEGE

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

Ukeiley SO2 Suit_2024_Preferred Timelines for Regions.docx

Hi Mike,

I've scheduled meetings beginning this Thursday through April 22nd with specific regions to discuss timelines. I shared the attached timeline document with them to get updated information and deadline dates they would like. Looking forward to the conversations and do request you take the lead in the calls.

Ex. 5 AC/AWP

Thanks so much,
Alina

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From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Thursday, April 4, 2024 12:37 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: Ukeiley Suit 2024 Tracking Table and Shared Folder

CUI//PRIVILEGE

Thanks, Alina, this will be super helpful! I've already added 1 court order to the site.

Controlled by U.S. Environmental Protection Agency

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, April 3, 2024 11:12 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: Ukeiley Suit 2024 Tracking Table and Shared Folder

CUI//PRIVILEGE

Hey Mike – I'm attaching a shared folder and hoping we can add in any additional materials needed in this folder which currently has the NOI, complaint and the tracking table document.

2024 Ukeiley SO2 Deadline Suit

It would be helpful for the tracking table to be continuously updated (when conversations/updates occur) and be in a place we all can access and refer to (shared link attached for convenience). Everyone should have access to this folder but please let me know if you can't access for some reason.

Thanks so much and please let me know if I can do anything else,
Alina

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Wednesday, April 3, 2024 1:02 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Subject: RE: Q re Sydney's notes on talks with regions about deadline suit actions

CUI//PRIVILEGE

Thanks, Alina, that would be great!

Controlled by U.S. Environmental Protection Agency

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, April 3, 2024 8:59 AM
To: Thrift, Mike <thrift.mike@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Subject: RE: Q re Sydney's notes on talks with regions about deadline suit actions

CUI//PRIVILEGE

Hi Mike – I do have a document. Let me go through it and make sure it is updated. I'll send out a shared link so if anyone gets updates related to a specific area they can add it into the document.

Does that work?

Thanks,
Alina

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Wednesday, April 3, 2024 11:52 AM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Subject: Q re Sydney's notes on talks with regions about deadline suit actions

CUI//PRIVILEGE

Stephen and Alina and Todd and Dylan—

Ex. 5 AC/AWP

Cc'ing Sydney in case she is hanging on to anything in reserve (or can remind me that maybe she already sent us all something).
--Mike

Mike Thrift
USEPA OGC
202-564-8852

Thrift.mike@epa.gov

Controlled by U.S. Environmental Protection Agency

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/8/2024 7:45:22 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]
Subject: For optional review: Texas SIP disapproval brief
Attachments: Texas v EPA - 4 April Draft - Clean.DOCX

CUI//PRIVILEGE

Hi Scott,

Attached is our draft brief in the 5th Circuit litigation over our SIP disapproval of Texas's contingency measures for the 2008 Ozone NAAQS. Dylan asked us to pass this along to you in case you would like to review. If you would like to provide comments, we'd like to send back to DOJ by Wednesday if possible, or Thursday at the latest.

Ex. 5 AC/AWP

Let me know if you have any questions and if you'd like to review, what your timing might be.

Thanks,
Corin

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Message

From: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/9/2024 4:57:25 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
Subject: Updated Detroit brief
Attachments: ENV_DEFENSE-#1185355-v2-Detroit__EPA_Response_Brief.DOCX

Importance: High

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

Hi Abi,

Attached is the draft incorporating your comments that I just sent to Eric for his review. Depending on how quickly he provides comments, it might (or might not) make more sense for you guys to wait to see the resulting version. Your choice. His comments usually are very good.

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 8, 2024 2:59 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: [EXTERNAL] EPA comments on Detroit brief

Hi Heather,

Hope you were able to finally catch your breath this weekend! Please find attached EPA's redline and consolidated comments on the draft Detroit brief. A lot of both the redline and comments are clarifying/correcting what we did based on the record and reflective of our prior discussions with you (including on the outline), so hopefully this is all helpful. Appreciate your turning around the next version so quickly later today, and we'll be at the ready to send the next round

of comments by noon on Wednesday per the schedule. If it would be helpful at any point to discuss the comments or anything, please let us know!

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: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/10/2024 1:59:42 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: EGH Comments Texas Brief April 6.docx

CUI//PRIVILEGE

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

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-----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua

Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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Message

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 4/10/2024 3:42:49 PM
To: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: [EXTERNAL] RE: Updated Detroit brief
Attachments: DetroitOzoneLitigation-V2 EPA comments.doc; DetroitOzoneLitigation-V2 EPA comments.docx

Hi Heather –

Hope you're having a nice day.

We've wrapped our second-round review, according to the timeline discussed earlier. As discussed, in this round, we tried to limit our review to those edits needed to ensure accuracy.

Please find attached two substantially similar files: one in the .docx format for modern systems and another in the .doc format for legacy systems.

I know you chatted about this yesterday with Kaytrue, but – please keep us posted on any expected timeline for EPA review of the next version (including the Summary of Argument section plus Eric Hostetler's contributions).

Thanks!

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 1:15 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

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

The summary of the argument will be drafted when Eric's revisions are incorporated.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, April 9, 2024 2:13 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather,

We're in the process of reviewing your most recent draft and will aim to limit our review to only those edits that we feel must be made for accuracy. We are on track to provide you those edits by noon tomorrow as agreed upon.

In the meantime, we were wondering about the plan for reviewing the Summary of Argument section. Has that section been drafted and provided to Eric for review? If not, what is the plan for the review of that piece?

Thanks,
Kaytrue

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 7:28 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Re: [EXTERNAL] RE: Updated Detroit brief

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

Great. I. The meantime, if you have questions that are not answered by the comment bubbles in this draft, I'm happy to set up a call. I'm free most times today except 3:00-4:00. FYI, I will have limited availability tomorrow due to a mediation in an unrelated case.

Sent from my iPhone

On Apr 9, 2024, at 6:35 AM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

Hi Heather – we have received and can open your latest file. I'll connect with EPA attorneys internally about next steps.

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Monday, April 8, 2024 11:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: Updated Detroit brief
Importance: High

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

Hi Abi,

Attached is the draft incorporating your comments that I just sent to Eric for his review. Depending on how quickly he provides comments, it might (or might not) make more sense for you guys to wait to see the resulting version. Your choice. His comments usually are very good.

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.

Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 8, 2024 2:59 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: [EXTERNAL] EPA comments on Detroit brief

Hi Heather,

Hope you were able to finally catch your breath this weekend! Please find attached EPA's redline and consolidated comments on the draft Detroit brief. A lot of both the redline and comments are clarifying/correcting what we did based on the record and reflective of our prior discussions with you (including on the outline), so hopefully this is all helpful. Appreciate your turning around the next version so quickly later today, and we'll be at the ready to send the next round of comments by noon on Wednesday per the schedule. If it would be helpful at any point to discuss the comments or anything, please let us know!

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: Durch, Kyle [Durch.Kyle@epa.gov]
Sent: 4/10/2024 7:09:17 PM
To: Orlin, David [Orlin.David@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: PM Implementation WG Meeting Follow-up

CUI//PRIVILEGE

Ah, okay, no problem. It seemed like they were just looking for some info about what the suits are challenging and status. I offered to look for summaries, and that seemed to satisfy them in the moment. They didn't express a desire to know likelihood of success, but I wouldn't be surprised if that would be one of their next questions.

Best,

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

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From: Orlin, David <Orlin.David@epa.gov>
Sent: Wednesday, April 10, 2024 3:05 PM
To: Durch, Kyle <Durch.Kyle@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: PM Implementation WG Meeting Follow-up

CUI//PRIVILEGE

Hi Kyle—

Ex. 5 AC/AWP

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

From: Durch, Kyle <Durch.Kyle@epa.gov>
Sent: Wednesday, April 10, 2024 2:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: PM Implementation WG Meeting Follow-up

CUI//PRIVILEGE

Hi all (and please forward to anyone who might benefit or have input; David, including you for the PM NAAQS rule question in case you're on the litigation),

Ex. 5 AC/AWP

Thanks!

Best,

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

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Message

From: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]
Sent: 4/11/2024 2:01:19 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc
Attachments: ENV_DEFENSE-#1175065-v5-Texas_v__EPA_(SO2)_Response_to_En_Banc_Pet_.docx

CUI//PRIVILEGE

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Hi Abi,

Enclosed is the revised draft, which incorporates most of the comments of the DAAG. It may not be fully polished, as I just incorporated them this morning, but it should be close. Once I get your Management's comments and address them, I will then send it to the AAG for one last review, so staying on the schedule of receiving your comments later today will be very helpful.

Question: I put Hali on the pleading along with Mike. Is that correct and would you also like to be included?

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 9:24 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

We are preparing to send you our comments today per the schedule, but have a quick question in the interim. Our front office has expressed interest in seeing the next version incorporating feedback from this round. Would it be possible for them to take a look while the DAAG is reviewing? I understand the timeline is short between now and the filing deadline on Monday, so appreciate that it would have to be an extremely quick look. Please let us know, thanks!

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 4, 2024 5:22 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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.

Hi All,

Enclosed is the revised draft brief, which reflects your collective comments as well as those of my Assistant and Deputy Chiefs. Our Chief is going to take a look at it and we will then send it to the DAAG for his review.

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

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, March 26, 2024 11:52 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Okay great. How does this look for a proposed internal review schedule:

- April 1: DOJ first draft to EPA
- April 3: EPA comments back to DOJ
- April 5 (or before April 8): DOJ second draft to EPA and DOJ management
- April 8-11: management review
- April 15: file

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

Controlled by U.S. Environmental Protection Agency

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, March 26, 2024 11:49 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE



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Hi Hali,

I am working to try and get you a draft by the end of this week, although it may leak over to early next week.

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

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, March 26, 2024 9:52 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

Just checking in on this because management has asked. I hope the oral argument went as well as it could have. Let us know what you're thinking on schedule.

Thanks!
Hali

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

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From: Kerr, Hali (she/her/hers)
Sent: Wednesday, March 20, 2024 11:02 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

Extremely reasonable. Good luck tomorrow!!!

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

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Wednesday, March 20, 2024 5:39 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi Hali,

I have an argument tomorrow in the D.C. Circuit so I have been a bit swamped with that (and other deadlines). I will try and get back to you next week regarding a schedule.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
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Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:09 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: [EXTERNAL] Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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)

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Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 4/11/2024 2:20:32 PM
To: Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Cohen, Michael [Cohen.Michael@epa.gov]; Svingen, Eric [Svingen.Eric@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]; 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]; 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]; 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]; 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]

Subject: Monthly Transport SIP Workgroup Call - agenda attached
Attachments: 2024_Ap_11-Transport Call Agenda.docx
Location: Microsoft Teams Meeting

Start: 4/11/2024 6:00:00 PM
End: 4/11/2024 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: Schmitt, Ellen (she/her/hers); Cohen, Michael; Svingen, Eric; 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; 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; 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); Bloemer, Matthew; 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)

Hello Transport Workgroup,
Attached is today's agenda. Please let me know if you have additional suggested agenda items.

Please let me (with cc to my co-lead Bob McConnell) 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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Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/11/2024 3:24:32 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: PM2.5 -- briefing schedule/format

Below is the proposed final briefing schedule/format to be submitted to the court in the PM NAAQS litigation, subject to further petitions being filed.

Ex. 5 AC/AWP

Should I tell DOJ it's ok and/or should one of us let anyone else know about the proposed schedule?

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

From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Thursday, April 11, 2024 10:07 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: FW: PM2.5 -- briefing schedule/format

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

Hi David,

Below is petitioners' proposed briefing schedule and format:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Let me know if you have any questions about this.

Best,
Alex

From: Lin, Elbert <ELin@hunton.com>
Sent: Tuesday, April 9, 2024 5:00 PM
To: Jonathan Wiener <Jonathan.Wiener@doj.ca.gov>; Seth Johnson <sjohnson@earthjustice.org>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Stacy J. Lau <Stacy.Lau@doj.ca.gov>; Shaun Goho <sgoho@catf.us>
Cc: Walke, John <jwalke@nrdc.org>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Peterson, Erica <EPeterson@hunton.com>
Subject: [EXTERNAL] RE: PM2.5 -- briefing schedule/format

Hi all:

Thanks for the engagement on this issue and the willingness to try to reach some common ground. I'm adding counsel for Proposed Intervenor Harris County to this email chain, too. Sarah – as you will see from the emails below, the parties and proposed intervenors in these consolidated matters have been discussing an agreed proposal for a briefing schedule and format.

We have taken the last couple days to consider DOJ's word count proposal, and while we are largely in agreement with relative size of the petitioner/respondent briefs, we would need certainty on the word limits for the other briefs we'd be responding to, as well. To that end, we've added word limits for intervenors (and word limits and due dates for amici). We've also slightly enlarged the word limits for petitioners and respondents, in recognition of the fact that we do not have intervenors on our side at present (and, to our knowledge, do not expect any). Finally, we had not noticed that in DOJ's proposed schedule, the respondent-intervenor deadline had been pushed out one week (from two weeks following DOJ's brief to three weeks). In light of that change, we'd like to add one more week to the time we have for reply (and have proposed pushing out the final two administrative deadlines by one week each, as well).

Please let us know whether this schedule/format works for you. We know there are many folks to consult, but we'd appreciate if you could get back to us by Thursday morning so that we can get this request filed with the Court before the week's end.

June 6 --- State and Industry Petitioners: two briefs, not to exceed 11,000 words each
June 13 --- Amici ISO Petitioners: Not to exceed 7,500 words, irrespective of number of briefs
June 18 --- Intervenors ISO Petitioners: Not to exceed 10,500 words, irrespective of number of briefs
August 19 – EPA brief: not to exceed 22,000 words
August 26 -- Amici ISO Respondents: Not to exceed 7,500 words, irrespective of number of briefs
September 9 --- Intervenors ISO Respondents: Not to exceed 10,500 words, irrespective of number of briefs
September 30 --- State and Industry Petitioners' Reply Briefs: Two briefs not to exceed 5,500 words each
October 7 --- Deferred Appendix
October 14 --- Final briefs

Thanks very much,
Elbert

Elbert Lin
Hunton Andrews Kurth LLP
804.788.7202
202.955.1548

From: Peterson, Erica <EPeterson@hunton.com>
Sent: Friday, April 5, 2024 5:11 PM
To: Jonathan Wiener <Jonathan.Wiener@doj.ca.gov>; Seth Johnson <sjohnson@earthjustice.org>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Lin, Elbert <ELin@hunton.com>
Cc: Shaun Goho <sgoho@catf.us>; Walke, John <jwalke@nrdc.org>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Stacy J. Lau <Stacy.Lau@doj.ca.gov>
Subject: RE: PM2.5 -- deferred appendix / briefing schedule

Sounds great. We will consider the word limit issue on our end and get back to everyone. And hopefully we'll be able to get a motion filed by close of business on Monday.

Thanks,
Erica

Erica Peterson
Associate
epeterson@HuntonAK.com
p: 202.955.1932
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
HuntonAK.com

From: Jonathan Wiener <Jonathan.Wiener@doj.ca.gov>
Sent: Friday, April 5, 2024 12:52 PM
To: Seth Johnson <sjohnson@earthjustice.org>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Peterson, Erica <EPeterson@hunton.com>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Lin, Elbert <ELin@hunton.com>
Cc: Shaun Goho <sgoho@catf.us>; Walke, John <jwalke@nrdc.org>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Stacy J. Lau <Stacy.Lau@doj.ca.gov>
Subject: RE: PM2.5 -- deferred appendix / briefing schedule

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California will consult with our coalition, but anticipate this schedule will work for State Movant-Intervenors. We don't yet have a view as to word limits but should have an answer on both issues by early next week.

Thanks all,

Jon

Jonathan Wiener
Deputy Attorney General
Natural Resources Law Section
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
(415) 510-3549

From: Seth Johnson <sjohnson@earthjustice.org>
Sent: Friday, April 5, 2024 8:33 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Peterson, Erica <EPeterson@hunton.com>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Lin, Elbert <ELin@hunton.com>
Cc: Shaun Goho <sgoho@catf.us>; Walke, John <jwalke@nrdc.org>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Jonathan Wiener <Jonathan.Wiener@doj.ca.gov>; Stacy J. Lau <Stacy.Lau@doj.ca.gov>
Subject: RE: PM2.5 -- deferred appendix / briefing schedule

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With the same proviso as EPA about other petitions, the schedule EPA proposes would work for the current and forthcoming Health, Environmental, and Community Group movant-intervenor-respondents.

Regarding word count, we agree with EPA that the word allotments petitioners proposed are excessive. We'll need to consult with the forthcoming movant states about the proposed allotment(s) for intervenor-respondents. My availability today is pretty constricted, and we'll plan to get back to you early next week with a concrete proposal and response to EPA's proposed allotments.

Seth

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, April 5, 2024 10:16 AM
To: Peterson, Erica <EPeterson@hunton.com>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Lin, Elbert <ELin@hunton.com>
Cc: Seth Johnson <sjohnson@earthjustice.org>; Shaun Goho <sgoho@catf.us>; Walke, John <jwalke@nrdc.org>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Jonathan.Wiener@doj.ca.gov; Stacy J. Lau <Stacy.Lau@doj.ca.gov>
Subject: RE: PM2.5 -- deferred appendix / briefing schedule

External Sender

Hi Erica:

Yes, we would appreciate you putting together a motion

We realized we hadn't responded on the briefing format piece. We think 13,000 words each for the State and Industry petitioners is excessive in these circumstances. I believe in a similar case relating to ozone NAAQS petitioning industry and states each got 9,000 words. As a middle ground, we would propose:

- 10,000 words each for State and Industry Petitioners
- 20,000 words for EPA's response
- 5,000 words for replies

Could you agree to that format?

Thank you,
Sarah

From: Peterson, Erica <EPeterson@hunton.com>
Sent: Friday, April 5, 2024 9:47 AM
To: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>; Lin, Elbert <ELin@hunton.com>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Seth Johnson <sjohnson@earthjustice.org>; Shaun Goho <sgoho@catf.us>; Walke, John <jwalke@nrdc.org>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Jonathan.Wiener@doj.ca.gov; Stacy J. Lau <Stacy.Lau@doj.ca.gov>
Subject: [EXTERNAL] RE: PM2.5 -- deferred appendix / briefing schedule

Hi Alex,

Petitioners agree to the proposed briefing schedule set forth below. How would you like to handle the motion? We can put together a motion and then confirm with you that it looks good and is unopposed if that works.

Thanks,
Erica

Erica Peterson
Associate
epeterson@HuntonAK.com
p: 202.955.1932
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2200 Pennsylvania Avenue, NW
Washington, DC 20037
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From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Thursday, April 4, 2024 12:25 PM
To: Lin, Elbert <ELin@hunton.com>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Seth Johnson <sjohnson@earthjustice.org>; Shaun Goho <sgoho@catf.us>; Walke, John <jwalke@nrdc.org>; Peterson, Erica <EPeterson@hunton.com>; Kuhn, Matt F (KYOAG) <Matt.Kuhn@ky.gov>; ncurtisi@azchamber.com; Amber.Ahmed@oag.texas.gov; jacob.abrahamson@ky.gov; beau@fusion.law; Langworthy, Cindy <clangworthy@hunton.com>; Jonathan.Wiener@doj.ca.gov; Stacy J. Lau <Stacy.Lau@doj.ca.gov>
Subject: RE: PM2.5 -- deferred appendix / briefing schedule

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Hi Elbert,

Thanks for taking the time to chat on Friday. Assuming there are no other petitions filed, EPA could commit to the following schedule:

1. April 22 – Administrative Record
2. Petitioners' Opening Briefs (one brief for state petitioners and one for all other petitioners): June 6, 2024
3. Briefs of Intervenors in Support of Petitioners: June 18, 2024
4. Respondents' Brief: August 19, 2024
5. Briefs of Intervenors in Support of Respondents: September 9, 2024
6. Petitioners' Reply Briefs (one for state petitioners and one for all other petitioners): September 23, 2024
7. Deferred Appendix: September 30, 2024
8. Final Briefs: October 7, 2024

This schedule provides for 30 additional days for EPA to file its response brief and would allow for briefing to be complete by early October, which would in turn allow the Court to hear argument by the end of the year, if it is inclined.

We would also like to represent to the Court that our agreement to this schedule is conditioned on there being no further petitions filed. To do so, we'd like to include the following in the filing before the Court: "If additional petitions are filed after this Court issues a briefing schedule, the Parties propose that motions to govern be due within 7 days of consolidation addressing whether and how such petitions should be added to the existing schedule."

Please let us know if you are amenable to this. We are happy to hop on another call to discuss, if it would be helpful.

Best,
Alex

Alex St. Romain
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202-532-3284
alexandra.st.romain@usdoj.gov

From: Lin, Elbert <ELin@hunton.com>
Sent: Tuesday, April 2, 2024 11:45 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>; Seth Johnson <sjohnson@earthjustice.org>; Shaun Goho <sgoho@catf.us>; Walke, John <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: RE: PM2.5 -- deferred appendix / briefing schedule

External Sender

Thanks Sarah. We'll look forward to your proposal. As noted on last week's call, we are likely to file a motion if we can't agree.

Elbert Lin
Hunton Andrews Kurth LLP
804.788.7202
202.955.1548

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, March 29, 2024 4:06 PM
To: Lin, Elbert <ELin@hunton.com>; 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: RE: PM2.5 -- deferred appendix / briefing schedule

This Message Is From An External Sender

Hunton Andrews Kurth warning: This message came from outside the firm.

Hi Elbert:

1. EPA consents to using deferred appendix.

2. As we discussed preliminarily this morning, EPA has concerns that moving the court for a briefing schedule at this time is premature given there may be more parties—petitioners or otherwise—that have yet to join the case. We share your desire to have this case briefed expeditiously and would be open to continuing our discussion to try to land on a proposal that meets all parties' needs. We will work to get you a proposed schedule by early next week.

Thanks,
Sarah

Sarah A. Buckley (she/her)
Senior Counsel for Appellate Matters

U.S. DOJ, ENRD
Environmental Defense Section
(202) 616-7554

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 [redacted] 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

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Message

From: Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
Sent: 4/11/2024 3:38:31 PM
To: Orlin, David [Orlin.David@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]
Subject: RE: amicus brief alleging all of our rules are pretexts to shut down coal fired EGUs
Attachments: epa2024_0667a.pdf

CUI//PRIVILEGE

Ex. 5 AC/AWP

Stephanie L. Hogan | Assistant General Counsel for the New Source Performance Standards and Emission Guidelines Practice Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3244 | fax: (202) 564-5603

Pronouns: she/her/hers

Controlled by U.S. Environmental Protection Agency

From: Hogan, Stephanie (she/her/hers)
Sent: Friday, April 5, 2024 3:22 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>
Subject: RE: amicus brief alleging all of our rules are pretexts to shut down coal fired EGUs

I'm also familiar with the FOIA requests being discussed in this document, as they've been trying to get some presentations from early in the Administration for some time now.

Stephanie L. Hogan | Assistant General Counsel for the New Source Performance Standards and Emission Guidelines Practice Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3244 | fax: (202) 564-5603

Pronouns: she/her/hers

From: Hogan, Stephanie (she/her/hers)
Sent: Friday, April 5, 2024 1:35 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>
Subject: RE: amicus brief alleging all of our rules are pretexts to shut down coal fired EGUs

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Stephanie L. Hogan | Assistant General Counsel for the New Source Performance Standards and Emission Guidelines Practice Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3244 | fax: (202) 564-5603

Pronouns: she/her/hers

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, April 5, 2024 10:57 AM
To: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: amicus brief alleging all of our rules are pretexts to shut down coal fired EGUs

Hi Stephanie,

Ex. 5 AC/AWP

thanks

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

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Friday, April 5, 2024 10:02 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: FW: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Motion to Participate as Amicus Curiae Filed" (EPA-89FR16202)

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

Apologies – brief attached this time.

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Friday, April 5, 2024 9:12 AM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Motion to Participate as Amicus Curiae Filed" (EPA-89FR16202)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 04/05/2024 at 9:11:37 AM Eastern Daylight Time and filed on 04/05/2024

Case Name:	Commonwealth of Kentucky, et al v. EPA, et al
Case Number:	24-1050
Document(s):	Document(s)

Docket Text:
MOTION [2048332] to participate as amicus curiae [Disclosure Listing: Attached] filed by Government Accountability & Oversight [Service Date: 04/05/2024] [24-1050, 24-1051, 24-1052, 24-1073] (Hardin, Matthew)

Notice will be electronically mailed to:

Mr. Henry Charles Whitaker, Attorney: henry.whitaker@myfloridalegal.com, jenna.hodges@myfloridalegal.com
Lucinda Minton Langworthy: clangworthy@huntonak.com, caapleadings@huntonak.com, sfisher@huntonak.com
Mr. John DuVal Walke: jwalke@nrdc.org, edavis@nrdc.org, mavalos@nrdc.org
Mr. Andrew R. Varcoe: avarcoe@uschamber.com
Mr. Elbert Lin, Partner: ELin@hunton.com, johnsont@hunton.com
Mr. Patrick J. Morrisey: patrick.morrisey@wvago.gov
Seth L. Johnson: sjohnson@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
Mr. Nicholas J. Bronni, Deputy Solicitor General: nicholas.bronni@arkansasag.gov
Mr. Christopher Alan Bates: chrisbates@agutah.gov
Shaun Alaric Goho: sgoho@catf.us
Ms. Lindsay S. See: lindsay.s.see@wvago.gov, choffman@wvago.gov
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Mr. Edmund Gerard LaCour, Jr.: edmund.lacour@alabamaag.gov, rene.whyard@alabamaag.gov
Ms. Kellie Elizabeth Billings-Ray, Assistant Attorney General: kellie.billings-ray@oag.texas.gov, annalisa.guartuche@oag.texas.gov
D. David DeWald: david.dewald@wyo.gov, danielle.burnside@wyo.gov
Ms. Sarah A. Buckley, Trial Attorney: sarah.buckley@usdoj.gov, efile_eds.enrd@usdoj.gov
James A. Barta: james.barta@atg.in.gov, katherine.jacob@atg.in.gov, jonna.anderson@atg.in.gov
Kris W. Kobach: kkobach@gmail.com
Ms. Erica Peterson: epeterson@hunton.com
Joshua Divine, Assistant Attorney General: Josh.Divine@ago.mo.gov, tammy.glenn@ago.mo.gov, diana.haines@ago.mo.gov
Mrs. Melissa Holyoak, Attorney: melissaholyoak@agutah.gov
Ms. Stephanie A. Maloney: smaloney@uschamber.com
Mr. Matthew Franklin Kuhn: matt.kuhn@ky.gov, selina.bowman@ky.gov

Christian Brian Corrigan: christian.corrigan@mt.gov, edoj@mt.gov
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Mr. Hayden Wong Hashimoto: hhashimoto@catf.us
Ms. Whitney D. Hermandorfer: whitney.hermandorfer@ag.tn.gov
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Marvin C. Brown, IV: mcbrown@earthjustice.org, vhuggett@earthjustice.org, dolazabal@earthjustice.org, bkilkenny@earthjustice.org
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Stephen John Petrany, Attorney: spetrany@law.ga.gov
Ms. Mathura Sridharan: Mathura.Sridharan@OhioAGO.gov, joshua.richardson@ohioago.gov
Alexandra L. St. Romain: alexandra.st.romain@usdoj.gov, nathaniel.cavin@usdoj.gov, efile_eds.enrd@usdoj.gov
Mr. Jorge Benjamin Aguinaga, Attorney: aguinagab@ag.louisiana.gov, nelsonc@ag.louisiana.gov, ecfnotices@ag.louisiana.gov
Mr. Anthony J. Powell: Anthony.Powell@ag.ks.gov, nikki.desch@ag.ks.gov
Ms. Jennifer L. Lewis: jennifer.lewis@oag.ok.gov, maranda.spears@oag.ok.gov, docket@oag.ok.gov
Mr. Brunn W. Roysden, III: beau@fusion.law
Mr. Garry M. Gaskins, II: garry.gaskins@oag.ok.gov, maranda.spears@oag.ok.gov, docket@oag.ok.gov
Mr. Cody Doig: cody.doig@alaska.gov, leilani.tufaga@alaska.gov, christian.faatoafe@alaska.gov, benjamin.merkouris@alaska.gov, kamie.willis@alaska.gov
Mr. Eric H. Wessan: eric.wessan@ag.iowa.gov
Philip Axt: pjaxt@nd.gov
Mr. Joseph David Spate: josephspate@scag.gov
Mr. Thomas Elliot Gaiser: thomas.gaiser@ohioago.gov, joshua.richardson@ohioago.gov
Joshua N Turner: josh.turner@ag.idaho.gov, isaac.considine@ag.idaho.gov, laura.kauffmann@ag.idaho.gov
Mr. Harrison Gray Kilgore: harrison.kilgore@ag.tn.gov
Mr. Alan M. Hurst: alan.hurst@ag.idaho.gov, isaac.considine@ag.idaho.gov, laura.kauffmann@ag.idaho.gov
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Grant Strobl: grant.strobl@nebraska.gov
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Matthew Hardin: matthewdhardin@gmail.com, matthewdhardin@protonmail.com, hardinlawpllc@icloud.com

Document to be served by alternative means on:

Mr. Clayton Gene Smith
Transcontinental Gas Pipe Line Corporation
PO Box 1396
Houston, TX 77251-0000

The following document(s) are associated with this transaction:
Document Description: Motion to Participate as Amicus Curiae Filed
Original Filename: AsFiledDC Cir Motion leave to file noon.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=04/05/2024] [FileNumber=2048332-0] [5ca6788e41b8e0e3fd7cca158d465ecfc9a05124ed70006a48012dd3bc91b0b581feb087abaf9fce1f008cfb112f62dd646b417f6e6c58691360168ea09f29d6]]

Document Description: Amicus Brief

Original Filename: FinalAsFiledDCCirBriefAmic.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=04/05/2024] [FileNumber=2048332-1]
[9c54298ef5a9977bc2c1d443551f3d47e4a5c21daf9977aec01352fbac5c38f6394ca0da44a15d9fd37a7a3454661
eec55abefee5b3644664e6da9b276adac26]]

Message

From: Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
Sent: 4/11/2024 7:47:21 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: my big picture concern
Attachments: Texas Chapter 111 Rule - SIP Submittal - August 20, 2020.pdf

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G- per our chat – attached Texas submittal in PDF, contains the SIP/AO narrative with the AO's in the appendices, RTC's. I will send some of the briefing materials from OAQPS shortly.

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, April 11, 2024 2:36 PM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Cc: Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: my big picture concern

CUI//PRIVILEGE

L:

Thank you for corralling and forwarding this comment letter. Just looking at this gives a quick window into what is going on here historically and currently.

G

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Message

From: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/11/2024 9:11:06 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: Updated Detroit brief
Attachments: ENV_DEFENSE-#1185355-v3-Detroit__EPA_Response_Brief.DOCX

Importance: High

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

Hello Eric,

I have attached a revised version of the brief that incorporates EPA's and Eric Hostetler's comments. The introduction and summary of the argument are in progress and will be sent afterwards. I realize folks are eager for the next installment, and so I didn't want to hold the whole draft up until tomorrow morning. Those last components will be sent as soon as possible—hopefully late this evening or first thing tomorrow morning.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Wednesday, April 10, 2024 11:43 AM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Hope you're having a nice day.

We've wrapped our second-round review, according to the timeline discussed earlier. As discussed, in this round, we tried to limit our review to those edits needed to ensure accuracy.

Please find attached two substantially similar files: one in the .docx format for modern systems and another in the .doc format for legacy systems.

I know you chatted about this yesterday with Kaytrue, but – please keep us posted on any expected timeline for EPA review of the next version (including the Summary of Argument section plus Eric Hostetler's contributions).

Thanks!

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 1:15 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

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

The summary of the argument will be drafted when Eric's revisions are incorporated.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, April 9, 2024 2:13 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather,

We're in the process of reviewing your most recent draft and will aim to limit our review to only those edits that we feel must be made for accuracy. We are on track to provide you those edits by noon tomorrow as agreed upon.

In the meantime, we were wondering about the plan for reviewing the Summary of Argument section. Has that section been drafted and provided to Eric for review? If not, what is the plan for the review of that piece?

Thanks,
Kaytrue

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 7:28 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>

Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Re: [EXTERNAL] RE: Updated Detroit brief

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

Great. I. The meantime, if you have questions that are not answered by the comment bubbles in this draft, I'm happy to set up a call. I'm free most times today except 3:00-4:00. FYI, I will have limited availability tomorrow due to a mediation in an unrelated case.

Sent from my iPhone

On Apr 9, 2024, at 6:35 AM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

Hi Heather – we have received and can open your latest file. I'll connect with EPA attorneys internally about next steps.

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Monday, April 8, 2024 11:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: Updated Detroit brief
Importance: High

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

Hi Abi,

Attached is the draft incorporating your comments that I just sent to Eric for his review. Depending on how quickly he provides comments, it might (or might not) make more sense for you guys to wait to see the resulting version. Your choice. His comments usually are very good.

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 8, 2024 2:59 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: [EXTERNAL] EPA comments on Detroit brief

Hi Heather,

Hope you were able to finally catch your breath this weekend! Please find attached EPA's redline and consolidated comments on the draft Detroit brief. A lot of both the redline and comments are clarifying/correcting what we did based on the record and reflective of our prior discussions with you (including on the outline), so hopefully this is all helpful. Appreciate your turning around the next version so quickly later today, and we'll be at the ready to send the next round of comments by noon on Wednesday per the schedule. If it would be helpful at any point to discuss the comments or anything, please let us know!

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: 4/11/2024 10:24:41 PM
To: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]
Subject: RE: Texas v. EPA (SO2) - Draft Brief
Attachments: ENV_DEFENSE-#1175065-v6-Texas_v__EPA_(SO2)_Response_to_En_Banc_Pet_.docx

CUI//PRIVILEGE

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Hali,

Ex. 5 AC/AWP

This is the version that is being sent to our AAG for his final review. I will be around if there is anything you want to discuss, including the ordering of the two main arguments.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
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P.O. Box 7611
Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

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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

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, April 11, 2024 12:37 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: [EXTERNAL] Texas v. EPA (SO2) - Draft Brief

CUI//PRIVILEGE

Hi Perry,

Attached please find our managements' edits and some additional edits (often spurred by mgmt input) from staff. We recognize there are a lot of edits here.

Given the new version you just sent, your revisions may have mooted a many of our comments. This may be wishful thinking, but we sincerely hope it will not be too difficult for you to reconcile the two versions. And if you have any questions about whether our comments/concerns are still relevant, please do not hesitate to reach out. We all want this to be the best brief it can be!

Thank you, Perry!
Hali

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 11, 2024 10:43 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

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Sure, I will send you the revised version after I address your next set of comments.

Perry

Perry M. Rosen
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United States Department of Justice

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Suite 2.900
Washington, DC 20002

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 10:37 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

Hali and Mike are correctly listed, no need to add me, thanks! Our front office actually just pinged us again asking if EPA can see the next version – I am going to send them the draft you just sent noting that it reflects the DAAG's review, but can we please (even if briefly) see the next version you turn around after receiving our comments?

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 11, 2024 10:01 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

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Hi Abi,

Enclosed is the revised draft, which incorporates most of the comments of the DAAG. It may not be fully polished, as I just incorporated them this morning, but it should be close. Once I get your Management's comments and address them, I will then send it to the AAG for one last review, so staying on the schedule of receiving your comments later today will be very helpful.

Question: I put Hali on the pleading along with Mike. Is that correct and would you also like to be included?

Perry

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perry.rosen@usdoj.gov

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150 M Street, NE
Suite 2.900
Washington, DC 20002

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 9:24 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

We are preparing to send you our comments today per the schedule, but have a quick question in the interim. Our front office has expressed interest in seeing the next version incorporating feedback from this round. Would it be possible for

them to take a look while the DAAG is reviewing? I understand the timeline is short between now and the filing deadline on Monday, so appreciate that it would have to be an extremely quick look. Please let us know, thanks!

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 4, 2024 5:22 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi All,

Enclosed is the revised draft brief, which reflects your collective comments as well as those of my Assistant and Deputy Chiefs. Our Chief is going to take a look at it and we will then send it to the DAAG for his review.

Perry

Perry M. Rosen
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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, March 26, 2024 11:52 AM

To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Okay great. How does this look for a proposed internal review schedule:

- April 1: DOJ first draft to EPA
- April 3: EPA comments back to DOJ
- April 5 (or before April 8): DOJ second draft to EPA and DOJ management
- April 8-11: management review
- April 15: file

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, March 26, 2024 11:49 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi Hali,

I am working to try and get you a draft by the end of this week, although it may leak over to early next week.

Perry

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150 M Street, NE
Suite 2.900
Washington, DC 20002

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, March 26, 2024 9:52 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

Just checking in on this because management has asked. I hope the oral argument went as well as it could have. Let us know what you're thinking on schedule.

Thanks!
Hali

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

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From: Kerr, Hali (she/her/hers)
Sent: Wednesday, March 20, 2024 11:02 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

Extremely reasonable. Good luck tomorrow!!!

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

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Wednesday, March 20, 2024 5:39 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi Hali,

I have an argument tomorrow in the D.C. Circuit so I have been a bit swamped with that (and other deadlines). I will try and get back to you next week regarding a schedule.

Perry

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Washington, DC 20002

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:09 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: [EXTERNAL] Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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)

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Message

From: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/12/2024 2:22:59 AM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: Updated Detroit brief
Attachments: ENV_DEFENSE-#1185355-v3-Detroit__EPA_Response_Brief.DOCX

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

Hi Eric,

Here is the updated draft, which includes both the introduction and summary of the argument. As always, I am happy to discuss any of this.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

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She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Thursday, April 11, 2024 5:35 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Thanks for your work and thanks for sending this new draft.

I'll circulate the current file to EPA reviewers, including some higher levels of management who will be seeing this for the first time. I'll keep an eye on my inbox this evening or early tomorrow for your revised version with the introduction and summary of argument sections, and I'll paste those sections into my document once you've sent them.

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Thursday, April 11, 2024 4:11 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Updated Detroit brief
Importance: High

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

Hello Eric,

I have attached a revised version of the brief that incorporates EPA's and Eric Hostetler's comments. The introduction and summary of the argument are in progress and will be sent afterwards. I realize folks are eager for the next installment, and so I didn't want to hold the whole draft up until tomorrow morning. Those last components will be sent as soon as possible—hopefully late this evening or first thing tomorrow morning.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

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Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Wednesday, April 10, 2024 11:43 AM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Hope you're having a nice day.

We've wrapped our second-round review, according to the timeline discussed earlier. As discussed, in this round, we tried to limit our review to those edits needed to ensure accuracy.

Please find attached two substantially similar files: one in the .docx format for modern systems and another in the .doc format for legacy systems.

I know you chatted about this yesterday with Kaytrue, but – please keep us posted on any expected timeline for EPA review of the next version (including the Summary of Argument section plus Eric Hostetler's contributions).

Thanks!

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 1:15 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

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The summary of the argument will be drafted when Eric's revisions are incorporated.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, April 9, 2024 2:13 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather,

We're in the process of reviewing your most recent draft and will aim to limit our review to only those edits that we feel must be made for accuracy. We are on track to provide you those edits by noon tomorrow as agreed upon.

In the meantime, we were wondering about the plan for reviewing the Summary of Argument section. Has that section been drafted and provided to Eric for review? If not, what is the plan for the review of that piece?

Thanks,
Kaytrue

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 7:28 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby)

<pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Re: [EXTERNAL] RE: Updated Detroit brief

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Great. I. The meantime, if you have questions that are not answered by the comment bubbles in this draft, I'm happy to set up a call. I'm free most times today except 3:00-4:00. FYI, I will have limited availability tomorrow due to a mediation in an unrelated case.

Sent from my iPhone

On Apr 9, 2024, at 6:35 AM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

Hi Heather – we have received and can open your latest file. I'll connect with EPA attorneys internally about next steps.

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Monday, April 8, 2024 11:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: Updated Detroit brief
Importance: High

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

Hi Abi,

Attached is the draft incorporating your comments that I just sent to Eric for his review. Depending on how quickly he provides comments, it might (or might not) make more sense for you guys to wait to see the resulting version. Your choice. His comments usually are very good.

Heather E. Gange
Senior Attorney, E-DOC

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(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 8, 2024 2:59 PM

To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: [EXTERNAL] EPA comments on Detroit brief

Hi Heather,

Hope you were able to finally catch your breath this weekend! Please find attached EPA's redline and consolidated comments on the draft Detroit brief. A lot of both the redline and comments are clarifying/correcting what we did based on the record and reflective of our prior discussions with you (including on the outline), so hopefully this is all helpful. Appreciate your turning around the next version so quickly later today, and we'll be at the ready to send the next round of comments by noon on Wednesday per the schedule. If it would be helpful at any point to discuss the comments or anything, please let us know!

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: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/12/2024 3:54:03 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]; Bianco, Karen [Bianco.Karen@epa.gov]
Subject: check out this interesting history on AD provisions in title VLand
Attachments: RTC for Final Part 70 Rule.pdf; SIP-Permit Interface.docx

J and M:

I was looking at the attached ancient RTC for the title V regs for another reason.

Ex. 5 AC/DP

Take a look!

G

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 4/12/2024 4:04:59 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@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]; Bianco, Karen [Bianco.Karen@epa.gov]
Subject: RE: check out this interesting history on AD provisions in title VLand

Very interesting – thanks very much for sharing this historical perspective from the troves.

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

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 12, 2024 8:54 AM
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>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: check out this interesting history on AD provisions in title VLand

J and M:

I was looking at the attached ancient RTC for the title V regs for another reason.

Ex. 5 AC/DP

Take a look!

G

Message

From: Palmer, Karen [Palmer.Karen@epa.gov]
Sent: 4/12/2024 6:58:15 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Sanctions - comments to rule
Attachments: A-93-28 Index.pdf; A-93-28-F-R-AUGUST-4-1994.pdf; A-93-28-F-R-OCTOBER-1-1993.pdf; A-93-28-II-A-1.pdf; A-93-28-II-B-1.pdf; A-93-28-II-B-2.pdf; A-93-28-II-B-3.pdf; A-93-28-II-B-4.pdf; A-93-28-III-A-1 10.1.93.pdf; A-93-28-IV-A-1.pdf; A-93-28-IV-B-1.pdf; A-93-28-IV-B-2.pdf; A-93-28-IV-D-1.pdf; A-93-28-IV-D-2.pdf; A-93-28-IV-D-3.pdf; A-93-28-IV-D-4.pdf; A-93-28-IV-D-5.pdf; A-93-28-IV-D-6.pdf; A-93-28-IV-D-7.pdf; A-93-28-IV-D-8.pdf; A-93-28-IV-D-9.pdf; A-93-28-IV-D-10.pdf; A-93-28-IV-D-11.pdf; A-93-28-IV-D-12.pdf; A-93-28-IV-D-13.pdf; A-93-28-IV-D-14.pdf; A-93-28-IV-D-15.pdf; A-93-28-IV-D-16.pdf; A-93-28-V-A-1.pdf; A-93-28-V-C-1.pdf; email sending all docs in docket.docx; EPA-HQ-OAR-2004-0363-0021_content-request for comment.pdf; EPA-HQ-OAR-2004-0363-0022_content -DOT again.pdf; EPA-HQ-OAR-2004-0363-0023_content- DOT comment suggests outside NA area.pdf; EPA-HQ-OAR-2004-0363-0023_content.pdf; EPA-HQ-OAR-2004-0363-0025_content -EPA.pdf; EPA-HQ-OAR-2004-0363-0025_content.pdf; EPA-HQ-OAR-2004-0363-0026_content-request OMB review.pdf

Hi Abi: When we dealt with the R9 issue, I got a copy from the law library of the comments that had been submitted for the sanctions rule. I have attached them here in case they'd be helpful with future issues.

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: James, Corin [James.Corin01@epa.gov]
Sent: 4/12/2024 7:16:29 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: EGH Comments Texas Brief April 6_EPA comments April 12.docx

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,

Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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Message

From: Palmer, Karen [Palmer.Karen@epa.gov]
Sent: 4/12/2024 7:17:15 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Sanctions - background emails and docs
Attachments: FW: 6/14/19 Decisions on Business Rules Next Step; FW: Are FFS "rules"?; FW: CDDs and sanctions & FIPs?; FW: FFS/Sanctions question; FW: ISO Guidance re FIP Clocks and Conditional Approvals; FW: Ozone sanctions questions for OGC; FW: Sanctions and FIP Clock Rules for SPeCS - See questions for the meeting ; RE: Has EPA ever imposed 179/110(m) sanctions?; RE: ISO Input on Court-Ordered FIPs & Sanctions; RE: Sanctions Clock Question; RE: Thanks and follow up question; FW: 6/14/19 Decisions on Business Rules Next Step; FW: Are FFS "rules"?; FW: CDDs and sanctions & FIPs?; FW: FFS/Sanctions question; FW: ISO Guidance re FIP Clocks and Conditional Approvals; FW: Ozone sanctions questions for OGC; FW: Sanctions and FIP Clock Rules for SPeCS - See questions for the meeting ; RE: Has EPA ever imposed 179/110(m) sanctions?; RE: ISO Input on Court-Ordered FIPs & Sanctions; RE: Sanctions Clock Question; CDD info from jeanhee.docx; clean data determinations and impact on clock.docx; response to stephen.docx; email JH 1-11-23.docx; FHWA guidance .docx; 7-9-1992 Processing of SIP Submittals- calcagni memo.pdf; 1993 kent berry memo.pdf; 1995 shally shaver memo - revised guidance.pdf; Janet Mccabe 2011 - tools for SIP efficiency processing.pdf; Memos and Guidance.pdf; sanctions info from OAQPS re Region 2 questions.docx; Spink CAA SanctionsFIPs_FINAL_8_26_10.pdf

CUI//PRIVILEGE

Hi Abi: these attachments include emails that were passed onto me from Emily via Jim Creech. Plus other memos and guidance that might be helpful.

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: Palmer, Karen [Palmer.Karen@epa.gov]
Sent: 4/12/2024 7:25:39 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Sanctions - IFDs, Conditional Approvals, FFS notices
Attachments: frn notice of FFS.pdf; parallel processing - CA 2020-05-12 supplemental NPR.pdf; SJV PM2.5 Plan Completeness ltr_final - sanctions clock stopped.pdf; frn notice of FFS.pdf; parallel processing - CA 2020-05-12 supplemental NPR.pdf; SJV PM2.5 Plan Completeness ltr_final - sanctions clock stopped.pdf; Air Plan Revisions California Yolo-Solano Air Quality Management District -april 2023.doc; Findings of Failure To Submit State Implementation Plan Revisions in Response to the 2016 Oil and Na.doc; Partial Approval and Partial Disapproval of Air Quality Implementation Plans California San Joaqui - 2011.doc; Findings of failure to implement.pdf; Summary of Failure to Implement cases.docx; 2002 -Interim Final Determination That the State of California Has Conditionally Corrected Deficiencies an.doc; 2021-15551- proposal SJV 2021.pdf; Determination To Defer Sanctions California San Diego - 2022 - RACT.pdf; Determination To Defer Sanctions California Yolo-Solano 2022 - prior disapproval - not propose approval.pdf; IFD To Defer Sanctions San Joaquin Valley - 2011.pdf; list of cases with IFD re imposition of sanctions.docx; RE_ Question regarding timing of IFD issuance.pdf; Air Plan Approval Michigan Conditional Approval of the Detroit Su.pdf; Air Plan Approval Michigan Interim Final Determination To Stay and Defer Sa.pdf; 12-19-21 from melanie magee to dm re Texas ctg submission update.docx; 2-16-21 letter re conn completenss.docx; 5-6-21 fr region 9 re san diego completeness.docx; Completeness Letter CARB san diego 2020-12-29.pdf; completeness to conn letter.pdf; NYC and DM re content of letters.docx; R6 Completeness Letter for TX Chp 115 VOC RACT for OG CTG signed.pdf; standard for having a full package.docx; when clock is turn off by completeness determination.docx

CUI//PRIVILEGE

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: Palmer, Karen [Palmer.Karen@epa.gov]
Sent: 4/12/2024 7:41:56 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Sanctions: CA and SD matters
Attachments: email response from jan and email to seth.docx; may 2022.docx; 14June2018 Letter from Adams to Corey SacMetro Completeness.pdf; 19-71223-2021-08-26 - Air v EPA case 9th cir.pdf; 2019-05159 - FRN approving SValley SIP.pdf; 82 FR 44736 FFTS.pdf; jesse email 12-8-22.docx; Sacramento 2008 Ozone NFRM - final rule but defer on CM.pdf; Sacramento 2008 Ozone NPRM - proposal but for CM.pdf; SV final rule - part approve and part disapprove 2021-25617.pdf; Sanctions PA RACT Research.docx

CUI//PRIVILEGE

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: Palmer, Karen [Palmer.Karen@epa.gov]
Sent: 4/12/2024 9:07:49 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: I/M
Attachments: CT SIP submission including IM with comments.docx; Everything to know about IM Final Briefing Book.doc; IM_crash_course.doc; Moves 4.0-overview- press release.pdf; OTAQ Oct 2021 overview of I-M.pdf; Cleveland 2015 moderate proposal 2-12-2024-HQ review copy.docx; revised 2022.pdf

CUI//PRIVILEGE

Hi Abi: This is the web link that an attorney should use to find lots of great info regarding vehicle I/M. Also attached some additional documents they might find helpful.

https://www.epa.gov/state-and-local-transportation/vehicle-emissions-inspection-and-maintenance-im

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: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/14/2024 7:25:33 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: Re: [EXTERNAL] RE: Updated Detroit brief

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

Hi everyone,

Ex. 5 AC/AWP

Sent from my iPhone

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/15/2024 12:48:04 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: Texas v EPA - EPA Answering Brief - 15 April 2024.docx

CUI//PRIVILEGE

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All –

Attached is the latest draft of the brief implementing your edits and Eric's edits. Two items to flag for you:

Ex. 5 AC/AWP

Thanks all. I'd like final nits / edits **by 1p today** so I can get this to Jack this afternoon. Let me know if a call would be helpful. I have a 10a – but free before or after that.

Ben

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 1:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

This is all really helpful. As for changes in the system - I think we should do what we do absent litigation. If updating the system to correct the status is what you'd normally do, then do it. If not, don't do it just for this.

What I think we should do is trim this paragraph as follows:

Ex. 5 AC/AWP

Can you propose some language along these lines? And thoughts on my cuts to the paragraph?

Thank you!

-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

Westlaw © 2024 Thomson Reuters. No claim to original U.S. Government Works.

Message

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 4/15/2024 3:53:45 PM
To: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: Updated Detroit brief
Attachments: DetroitOzoneLitigation-V3 EPA comments.docx; DetroitOzoneLitigation-V3 EPA comments.doc

Hi Heather –

Hope you had a nice weekend.

Please find attached our revisions to the third draft Detroit ozone brief. The modern .docx file and legacy .doc file are substantially similar.

EPA reviewers left a number of comments. These are not leftover conversations between EPA staff – rather, these are meant for your eyes. In most cases we are explaining the context of certain edits and explaining why it's important to retain those edits.

Will DOJ request additional assistance from EPA between now and the Tuesday 23 April filing deadline?

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Thursday, April 11, 2024 9:23 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Updated Detroit brief

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

Hi Eric,

Here is the updated draft, which includes both the introduction and summary of the argument. As always, I am happy to discuss any of this.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section

P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Thursday, April 11, 2024 5:35 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Thanks for your work and thanks for sending this new draft.

I'll circulate the current file to EPA reviewers, including some higher levels of management who will be seeing this for the first time. I'll keep an eye on my inbox this evening or early tomorrow for your revised version with the introduction and summary of argument sections, and I'll paste those sections into my document once you've sent them.

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Thursday, April 11, 2024 4:11 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Updated Detroit brief
Importance: High

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

Hello Eric,

I have attached a revised version of the brief that incorporates EPA's and Eric Hostetler's comments. The introduction and summary of the argument are in progress and will be sent afterwards. I realize folks are eager for the next installment, and so I didn't want to hold the whole draft up until tomorrow morning. Those last components will be sent as soon as possible—hopefully late this evening or first thing tomorrow morning.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice

Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Wednesday, April 10, 2024 11:43 AM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Hope you're having a nice day.

We've wrapped our second-round review, according to the timeline discussed earlier. As discussed, in this round, we tried to limit our review to those edits needed to ensure accuracy.

Please find attached two substantially similar files: one in the .docx format for modern systems and another in the .doc format for legacy systems.

I know you chatted about this yesterday with Kaytrue, but – please keep us posted on any expected timeline for EPA review of the next version (including the Summary of Argument section plus Eric Hostetler's contributions).

Thanks!

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 1:15 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

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

The summary of the argument will be drafted when Eric's revisions are incorporated.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, April 9, 2024 2:13 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton

<weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather,

We're in the process of reviewing your most recent draft and will aim to limit our review to only those edits that we feel must be made for accuracy. We are on track to provide you those edits by noon tomorrow as agreed upon.

In the meantime, we were wondering about the plan for reviewing the Summary of Argument section. Has that section been drafted and provided to Eric for review? If not, what is the plan for the review of that piece?

Thanks,
Kaytrue

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 7:28 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Re: [EXTERNAL] RE: Updated Detroit brief

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

Great. I. The meantime, if you have questions that are not answered by the comment bubbles in this draft, I'm happy to set up a call. I'm free most times today except 3:00-4:00. FYI, I will have limited availability tomorrow due to a mediation in an unrelated case.

Sent from my iPhone

On Apr 9, 2024, at 6:35 AM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

Hi Heather – we have received and can open your latest file. I'll connect with EPA attorneys internally about next steps.

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Monday, April 8, 2024 11:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: Updated Detroit brief
Importance: High

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

Hi Abi,

Attached is the draft incorporating your comments that I just sent to Eric for his review. Depending on how quickly he provides comments, it might (or might not) make more sense for you guys to wait to see the resulting version. Your choice. His comments usually are very good.

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 8, 2024 2:59 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: [EXTERNAL] EPA comments on Detroit brief

Hi Heather,

Hope you were able to finally catch your breath this weekend! Please find attached EPA's redline and consolidated comments on the draft Detroit brief. A lot of both the redline and comments are clarifying/correcting what we did based on the record and reflective of our prior discussions with you (including on the outline), so hopefully this is all helpful. Appreciate your turning around the next version so quickly later today, and we'll be at the ready to send the next round of comments by noon on Wednesday per the schedule. If it would be helpful at any point to discuss the comments or anything, please let us know!

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: James, Corin [James.Corin01@epa.gov]
Sent: 4/15/2024 5:23:54 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: Texas v EPA - EPA Answering Brief - 15 April 2024_EPA shared.docx

CUI//PRIVILEGE

Hey Ben – see attached. We proposed some language for the footnote on p. 47 and some edits to those related paragraphs as well - let us know what you think.

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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This is all really helpful. As for changes in the system - I think we should do what we do absent litigation. If updating the system to correct the status is what you'd normally do, then do it. If not, don't do it just for this.

What I think we should do is trim this paragraph as follows:

Ex. 5 AC/AWP

Can you propose some language along these lines? And thoughts on my cuts to the paragraph?

Thank you!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>

Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua

Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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

All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

Westlaw © 2024 Thomson Reuters. No claim to original U.S. Government Works.

Message

From: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]
Sent: 4/15/2024 7:47:02 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]
Subject: RE: Texas v. EPA (SO2)
Attachments: ENV_DEFENSE-#1187056-v1-Texas_v__EPA_Our_Response_to_Pet__for_En_Banc.PDF

CUI//PRIVILEGE

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

All,

Enclosed is a copy of our filed response to the En Banc petition. Thanks for all your thoughtful and organized assistance on this. I will send along any additional responses from the other parties when received.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
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Suite 2.900
Washington, DC 20002

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, April 12, 2024 2:09 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers)

<Villegas.Brooke@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Draft Brief

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP/DP

Thanks again!

Controlled by U.S. Environmental Protection Agency

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 11, 2024 6:25 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Draft Brief

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Hali,

Ex. 5 AC/AWP

This is the version that is being sent to our AAG for his final review. I will be around if there is anything you want to discuss, including the ordering of the two main arguments.

Perry

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, April 11, 2024 12:37 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: [EXTERNAL] Texas v. EPA (SO2) - Draft Brief

CUI//PRIVILEGE

Hi Perry,

Attached please find our managements' edits and some additional edits (often spurred by mgmt input) from staff. We recognize there are a lot of edits here.

Given the new version you just sent, your revisions may have mooted a many of our comments. This may be wishful thinking, but we sincerely hope it will not be too difficult for you to reconcile the two versions. And if you have any questions about whether our comments/concerns are still relevant, please do not hesitate to reach out. We all want this to be the best brief it can be!

Thank you, Perry!
Hali

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 11, 2024 10:43 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Sure, I will send you the revised version after I address your next set of comments.

Perry

Perry M. Rosen
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Suite 2.900
Washington, DC 20002

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 10:37 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

Hali and Mike are correctly listed, no need to add me, thanks! Our front office actually just pinged us again asking if EPA can see the next version – I am going to send them the draft you just sent noting that it reflects the DAAG's review, but can we please (even if briefly) see the next version you turn around after receiving our comments?

Controlled by U.S. Environmental Protection Agency

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 11, 2024 10:01 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi Abi,

Enclosed is the revised draft, which incorporates most of the comments of the DAAG. It may not be fully polished, as I just incorporated them this morning, but it should be close. Once I get your Management's comments and address them, I will then send it to the AAG for one last review, so staying on the schedule of receiving your comments later today will be very helpful.

Question: I put Hali on the pleading along with Mike. Is that correct and would you also like to be included?

Perry

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Suite 2.900
Washington, DC 20002

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 9:24 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron

<Vargas.Aaron@epa.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

We are preparing to send you our comments today per the schedule, but have a quick question in the interim. Our front office has expressed interest in seeing the next version incorporating feedback from this round. Would it be possible for them to take a look while the DAAG is reviewing? I understand the timeline is short between now and the filing deadline on Monday, so appreciate that it would have to be an extremely quick look. Please let us know, thanks!

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 4, 2024 5:22 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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.

Hi All,

Enclosed is the revised draft brief, which reflects your collective comments as well as those of my Assistant and Deputy Chiefs. Our Chief is going to take a look at it and we will then send it to the DAAG for his review.

Perry

Perry M. Rosen
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Washington, DC 20002

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, March 26, 2024 11:52 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Okay great. How does this look for a proposed internal review schedule:

- April 1: DOJ first draft to EPA
- April 3: EPA comments back to DOJ
- April 5 (or before April 8): DOJ second draft to EPA and DOJ management
- April 8-11: management review
- April 15: file

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

Controlled by U.S. Environmental Protection Agency

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, March 26, 2024 11:49 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi Hali,

I am working to try and get you a draft by the end of this week, although it may leak over to early next week.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice

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Washington, DC 20002

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, March 26, 2024 9:52 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: [EXTERNAL] RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

CUI//PRIVILEGE

Hi Perry,

Just checking in on this because management has asked. I hope the oral argument went as well as it could have. Let us know what you're thinking on schedule.

Thanks!
Hali

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: Wednesday, March 20, 2024 11:02 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

Extremely reasonable. Good luck tomorrow!!!

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

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Wednesday, March 20, 2024 5:39 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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Hi Hali,

I have an argument tomorrow in the D.C. Circuit so I have been a bit swamped with that (and other deadlines). I will try and get back to you next week regarding a schedule.

Perry

Perry M. Rosen
Senior Attorney
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Suite 2.900
Washington, DC 20002

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:09 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: [EXTERNAL] Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

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)

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 4/15/2024 9:27:38 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: Filed Brief for Texas SO2 Case
Attachments: ENV_DEFENSE-#1187056-v1-Texas_v__EPA_Our_Response_to_Pet__for_En_Banc.PDF

CUI//PRIVILEGE

Hi all,

DOJ filed the attached today. They took most of our suggestions and cut a few things, presumably for words, but no major changes.

Thanks for everyone's input! We'll keep you posted.
Hali

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Friday, April 12, 2024 4:11 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Revised version - RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Nothing further from me. Thanks all!

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, April 12, 2024 11:48 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Revised version - RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Hi Susannah,

We've reviewed and agree this version is much better. It looks like DOJ took many of our suggestions, which is great! To clarify next steps, are we expecting any further edits or comments from you?

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Friday, April 12, 2024 11:09 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Revised version - RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Thanks Abi. I think this version is much improved!

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 6:39 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: Revised version - RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Hi Susannah,

We just received the revised brief from DOJ. We'll of course take a look to see whether/how our edits were incorporated, but wanted to get this to you quickly in the meantime as well.

Controlled by U.S. Environmental Protection Agency

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, April 11, 2024 11:58 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella

<Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Ex. 5 AC/AWP

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
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M: 202-603-6170
E: marks.matthew@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, April 11, 2024 11:54 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Ex. 5 AC/AWP

Let me know if anyone has concerns with this approach.

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

Controlled by U.S. Environmental Protection Agency

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, April 11, 2024 11:38 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>

Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 10:52 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Hi Susannah,

DOJ just confirmed that they will send us the next version after incorporating our edits (which we are sending back today), so we'll be sure to pass that along when we receive it. He also just indicated that that Matt L. has already reviewed, and the attached draft reflects his feedback. We will take a look today and see how this version aligns with our collective comments, but wanted you to have it in case helpful for the same purpose and/or engaging with Matt.

Ex. 5 AC/AWP

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From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Thursday, April 11, 2024 10:15 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Thank you Hali! I think it will be important to make sure our edits are made by DOJ (or if not, for good reason)

Ex. 5 AC/AWP

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, April 11, 2024 9:59 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Susannah,

We've asked the DOJ attorney for another check to make sure our edits are incorporated, even if it's a quick turnaround. So we will keep you posted on that.

At the staff level, we incorporated all of your edits/comments except:

Ex. 5 AC/AWP

Thanks so much,
Hali

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

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From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, April 10, 2024 9:00 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Thanks Hali! Will we get a chance to see if he's incorporated our edits?

Also, to the extent they were substantive, would be great to hear which edits you all disagreed with.

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, April 10, 2024 6:20 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Ex. 5 AC/AWP

We really appreciate your input, your perspective, and your time on this Susannah!

We'll keep you posted.
Hali

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

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, April 9, 2024 10:27 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Hi Hali,

Ex. 5 AC/AWP

Also, if you think we shouldn't pass on the proofreading edits, fine to strip them out.

Thanks!

Susannah

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Friday, April 5, 2024 9:14 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Hi Susannah,

Attached is EPA's draft response to Texas et al.'s petition for rehearing *en banc* in the Fifth Circuit case on technical deference to agencies. Our DOJ attorney has incorporated EPA staff-level and his managements' initial edits and sent back this revised brief. If you would like to review, we are aiming for **COB on Wednesday, April 10** to meet our 4/15 filing deadline.

Thanks so much,
Hali

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

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 4/15/2024 9:29:15 PM
To: Snyder, Erik [snyder.erik@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Vijayan, Abi [Vijayan.Abi@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]; Feldman, Michael [Feldman.Michael@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Watkins, Nealson [Watkins.Nealson@epa.gov]
CC: Talty, Mark [Talty.Mark@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: Filed Brief for Rusk/Panola (SO2) Case
Attachments: ENV_DEFENSE-#1187056-v1-Texas_v__EPA_Our_Response_to_Pet__for_En_Banc.PDF

CUI//PRIVILEGE

Hi all,

DOJ filed the attached brief today, taking most of our edits and making a few cuts to get to the word limit. Thank you all so very much for your hard and quick work on this one. We will keep you posted!

Hali

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: Thursday, April 11, 2024 12:13 PM
To: Snyder, Erik <snyder.erik@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: PLEASE EXIT: For Review by COB 4/10: Revised Brief for Rusk/Panola (SO2) Case
Importance: High

Hi all,

I am wrapping up some final consolidation (e.g., deleting our back-and-forths and just putting our final point in a comment bubble) for DOJ. **I need everyone out of the document ASAP** so I can send this to DOJ in the next 10 minutes.

Thanks so much for all of your excellent input and really fast and helpful work!!!!!

Hali

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

From: Kerr, Hali (she/her/hers)
Sent: Tuesday, April 9, 2024 2:47 PM
To: Snyder, Erik <snyder.erik@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Rusk/Panola (SO2) Case

Hi all,

Friendly reminder to wrap up this round of review by COB tomorrow. Thanks so much to those of you who have already! Lots of great points in there.

Hali

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

From: Kerr, Hali (she/her/hers)
Sent: Friday, April 5, 2024 11:49 AM
To: Snyder, Erik <snyder.erik@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: For Review by COB 4/10: Revised Brief for Rusk/Panola (SO2) Case

Hi all,

Our DOJ attorney has incorporated ours and his managements' initial edits and sent back this revised brief for one more review. If you can please review **by COB on Wednesday, April 10**, that will help us meet our 4/15 filing deadline.

Thanks so much to everyone for your help on this fast-paced schedule.
Hali

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

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Tuesday, April 2, 2024 4:30 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

I replied to some of Aaron and Brooke's comments. I'm out now.

-Erik

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Tuesday, April 2, 2024 3:27 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

Thanks so much, all, for your reviews! **Last call to save and close out.** We're going to send this back to DOJ.

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

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Tuesday, April 2, 2024 12:43 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

Hi Hali,

I have reviewed and don't have any comments.

Thank you for the opportunity to review,
Alina

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Tuesday, April 2, 2024 12:35 PM
To: Snyder, Erik <snyder.erik@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

I have reviewed. I only added one comment bubble.

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Monday, April 1, 2024 3:38 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

Hi,

I have reviewed and made a few minor comment bubbles/language add.

Ex. 5 AC/AWP

-Erik

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, April 1, 2024 1:19 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Snyder, Erik <snyder.erik@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

Sorry all, just clarifying, I mean 4 pm **ET** tomorrow. And again, if you can't meet that deadline, let me know. We can try to find a way to work with you. Thank you!!

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

From: Kerr, Hali (she/her/hers)
Sent: Monday, April 1, 2024 11:33 AM
To: Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Snyder, Erik <snyder.erik@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Watkins, Nealson <Watkins.Nealson@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: FOR REVIEW BY 4 pm 4/2: Brief for Rusk/Panola (SO2) Case

Hi all,

DOJ has asked for our review of the attached brief by COB tomorrow. Due to an appointment I have, this means we will need to be done **by 4 pm tomorrow**. Please let me know ASAP if you are not able to meet this deadline.

Ex. 5 AC/AWP

I apologize for the quick turnaround. Thank you so much for your help.
Hali

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

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, March 29, 2024 6:13 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@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>; Snyder, Erik <snyder.erik@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers)

<Brashear.Angelina@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion

Dropping Perry, but adding OAQPS and R6 air staff, and replacing Perry's draft with a sharepoint version to put all of our comments on.

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, March 29, 2024 2:23 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>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion

CUI//PRIVILEGE

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

Hi All,

Enclosed is the initial draft of our response to the En Banc Petition. Under the schedule that Hali and I discussed, I was going to get you all the draft on Monday with Hali returning your collective comments on Wednesday. Since I am delivering the draft today, I wanted to see if it was possible to get your collective comments by the end of the day on Tuesday. That would help me with initiating the review process here in a timely manner.

A few comments about the draft:

Ex. 5 AC/AWP

That's it 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

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:11 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: [EXTERNAL] Texas v. EPA (SO2) - Modeling Discussion

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP

Talk soon,
Hali

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

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From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Wednesday, March 20, 2024 12:22 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>
Subject: RE: Modeling off by three times

I was just about to forward this to you Hali, we should also forward it along to DOJ. Great work Erik, this is going to be very helpful for our response.

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Wednesday, March 20, 2024 11:14 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Feldman, Michael <Feldman.Michael@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: FW: Modeling off by three times

Hali,

I'm not actively annotating the document but I did spend some time reading the document yesterday and I wanted you have the benefit this exchange I had with Erik regarding one of the questions I had. Erik may have folded something similar into the document.

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Wednesday, March 20, 2024 10:10 AM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Modeling off by three times

Ex. 5 AC/AWP

From: Donaldson, Guy <Donaldson.Guy@epa.gov>
Sent: Wednesday, March 20, 2024 8:19 AM
To: Snyder, Erik <snyder.erik@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: RE: Modeling off by three times

Ex. 5 AC/AWP

From: Snyder, Erik <snyder.erik@epa.gov>
Sent: Tuesday, March 19, 2024 2:24 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>
Subject: Modeling off by three times

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Erik Snyder.
Lead Regional Air Quality Modeler
(214) 665-7305 | snyder.erik@epa.gov
Division of Air and Radiation | U.S. EPA, Region 6 Dallas, TX

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/15/2024 9:43:13 PM
To: James, Corin [James.Corin01@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: ENV_DEFENSE-#1187049-v1-Texas_v_EPA_-_EPA_Answering_Brief_-_15_April_2024_PM.docx

CUI//PRIVILEGE

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

Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Agreed. This tracks Eric's concern in his comments:

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Ex. 5 AC/AWP/DP

Can you propose some language along these lines? And thoughts on my cuts to the paragraph?

Thank you!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin

Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

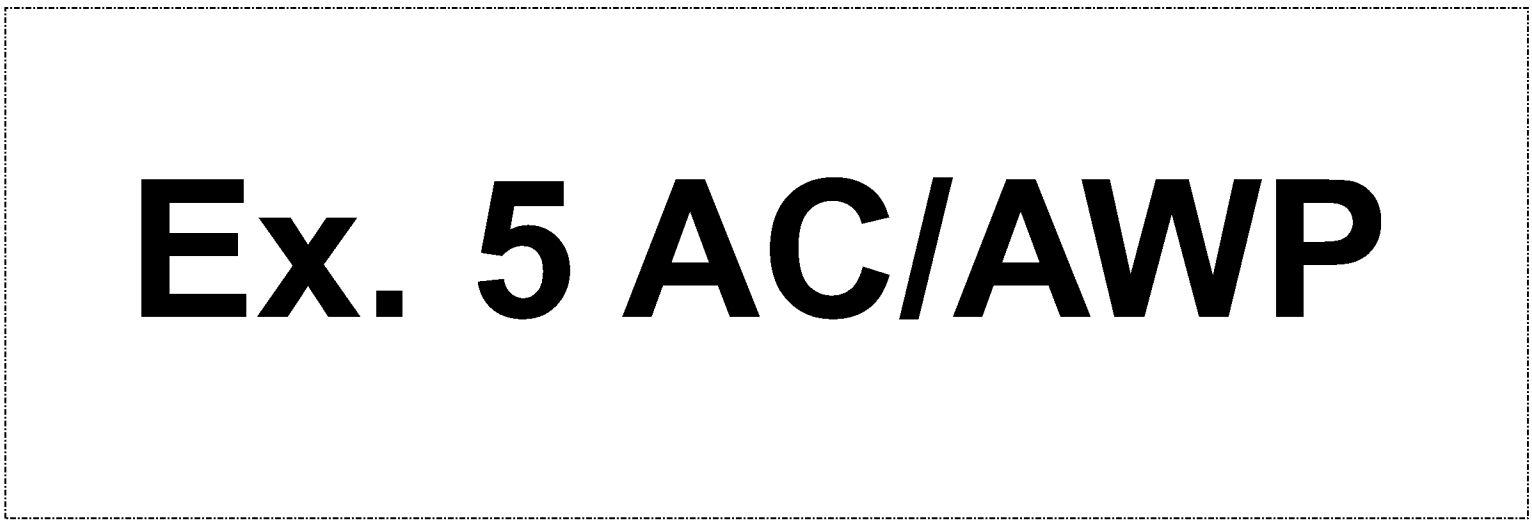
I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.



Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)

Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin

Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians v. Environmental Protection Agency

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

Item: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 4/15/2024 9:51:03 PM
To: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: Updated Detroit brief
Attachments: DetroitOzoneLitigation-V3 EPA comments_EPAIO.docx

Thanks for your understanding, Heather. Attached are my additional revisions addressing Susannah's comments. As promised, they are flagged with comments that contain "EPA IO" so you can search for that term and find them separate and apart from the comments you already received.

As noted, I'm generally out of the office this week but will probably check in tomorrow morning, so please let me know if you have any questions on the new language I drafted. (You could also reach out to Abi, who could then ping me to take a look).

Kaytrue

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Monday, April 15, 2024 4:08 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Updated Detroit brief

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

Hi Kaytrue,

Thank you for the heads up. I have been reading through EPA's and EDS comments, but had not made revisions yet since Letty's comments likely will come early tomorrow. I can just pivot to what you send me later today.

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, April 15, 2024 3:50 PM

To: Svingen, Eric <Svingen.Eric@epa.gov>; Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: [EXTERNAL] RE: Updated Detroit brief

Hi Heather,

Sorry for a late extra email. Our front office actually had some comments that I think warrant some consideration and that I was not able to address by this morning because I'm on leave this week, but I was going to try to make some targeted edits to address these points and send them over by 6 PM today.

I don't want to create version control issues, so I'll flag any areas of the brief where I am adding these edits with a comment bubble that says "EPA IO."

I'll be online for the next couple of hours, so feel free to ping me back if this plan does not work for you.

Apologies again for the late hit.

Kaytrue

EPA IO comments:



From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Monday, April 15, 2024 11:54 AM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Updated Detroit brief

Hi Heather –

Hope you had a nice weekend.

Please find attached our revisions to the third draft Detroit ozone brief. The modern .docx file and legacy .doc file are substantially similar.

EPA reviewers left a number of comments. These are not leftover conversations between EPA staff – rather, these are meant for your eyes. In most cases we are explaining the context of certain edits and explaining why it's important to retain those edits.

Will DOJ request additional assistance from EPA between now and the Tuesday 23 April filing deadline?

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Thursday, April 11, 2024 9:23 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Updated Detroit brief

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

Hi Eric,

Here is the updated draft, which includes both the introduction and summary of the argument. As always, I am happy to discuss any of this.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Thursday, April 11, 2024 5:35 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-

ortiz.yasmin@epa.gov>
Subject: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Thanks for your work and thanks for sending this new draft.

I'll circulate the current file to EPA reviewers, including some higher levels of management who will be seeing this for the first time. I'll keep an eye on my inbox this evening or early tomorrow for your revised version with the introduction and summary of argument sections, and I'll paste those sections into my document once you've sent them.

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Thursday, April 11, 2024 4:11 PM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Updated Detroit brief
Importance: High



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Hello Eric,

I have attached a revised version of the brief that incorporates EPA's and Eric Hostetler's comments. The introduction and summary of the argument are in progress and will be sent afterwards. I realize folks are eager for the next installment, and so I didn't want to hold the whole draft up until tomorrow morning. Those last components will be sent as soon as possible—hopefully late this evening or first thing tomorrow morning.

Best,

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Wednesday, April 10, 2024 11:43 AM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>

Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather –

Hope you're having a nice day.

We've wrapped our second-round review, according to the timeline discussed earlier. As discussed, in this round, we tried to limit our review to those edits needed to ensure accuracy.

Please find attached two substantially similar files: one in the .docx format for modern systems and another in the .doc format for legacy systems.

I know you chatted about this yesterday with Kaytrue, but – please keep us posted on any expected timeline for EPA review of the next version (including the Summary of Argument section plus Eric Hostetler's contributions).

Thanks!

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 1:15 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief



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The summary of the argument will be drafted when Eric's revisions are incorporated.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, April 9, 2024 2:13 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Updated Detroit brief

Hi Heather,

We're in the process of reviewing your most recent draft and will aim to limit our review to only those edits that we feel must be made for accuracy. We are on track to provide you those edits by noon tomorrow as agreed upon.

In the meantime, we were wondering about the plan for reviewing the Summary of Argument section. Has that section been drafted and provided to Eric for review? If not, what is the plan for the review of that piece?

Thanks,
Kaytrue

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Tuesday, April 9, 2024 7:28 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Re: [EXTERNAL] RE: Updated Detroit brief



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Great. I. The meantime, if you have questions that are not answered by the comment bubbles in this draft, I'm happy to set up a call. I'm free most times today except 3:00-4:00. FYI, I will have limited availability tomorrow due to a mediation in an unrelated case.

Sent from my iPhone

On Apr 9, 2024, at 6:35 AM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

Hi Heather – we have received and can open your latest file. I'll connect with EPA attorneys internally about next steps.

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Monday, April 8, 2024 11:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: Updated Detroit brief
Importance: High



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Hi Abi,

Attached is the draft incorporating your comments that I just sent to Eric for his review. Depending on how quickly he provides comments, it might (or might not) make more sense for you guys to wait to see the resulting version. Your choice. His comments usually are very good.

Heather E. Gange
Senior Attorney, E-DOC

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Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, April 8, 2024 2:59 PM
To: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: [EXTERNAL] EPA comments on Detroit brief

Hi Heather,

Hope you were able to finally catch your breath this weekend! Please find attached EPA's redline and consolidated comments on the draft Detroit brief. A lot of both the redline and comments are clarifying/correcting what we did based on the record and reflective of our prior discussions with you (including on the outline), so hopefully this is all helpful. Appreciate your turning around the next version so quickly later today, and we'll be at the ready to send the next round of comments by noon on Wednesday per the schedule. If it would be helpful at any point to discuss the comments or anything, please let us know!

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: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 4/15/2024 9:53:12 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Weaver, Susannah [Weaver.Susannah@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: For review by Monday morning: Detroit redesignation brief
Attachments: DetroitOzoneLitigation-V3 EPA comments_EPAIO.docx

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Ex. 5 AC/AWP

Appreciate your prompt review during the compressed window.

Kaytrue

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, April 15, 2024 8:57 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: For review by Monday morning: Detroit redesignation brief

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Ex. 5 AC/AWP

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

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From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Sunday, April 14, 2024 9:26 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby)

<pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: For review by Monday morning: Detroit redesignation brief

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Ex. 5 AC/AWP

Let me know if you want to discuss any of these or if you have unaddressed concerns with the brief.

Thanks!
Susannah

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 10:39 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: For review by Monday morning: Detroit redesignation brief

Following up with the complete draft brief including the introduction and summary of argument!

From: Vijayan, Abi
Sent: Thursday, April 11, 2024 6:30 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: For review by Monday morning: Detroit redesignation brief

Hi Susannah,

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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Appointment

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 4/16/2024 6:26:13 PM
To: Lang, Matthew [Lang.Matthew@epa.gov]; 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]; Davidson, Olivia (she/her/hers) [Davidson.Olivia@epa.gov]; Dickinson, David [Dickinson.David@epa.gov]; Donaldson, Guy [Donaldson.Guy@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]; 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 (she/her/hers) [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

CC:	[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]; Chen, Eugene [Chen.Eugene@epa.gov]; Naber, Nicole [Naber.Nicole@epa.gov] Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; 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]; Williams, Jennifer [Williams.Jennifer@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]
Subject:	Ozone Implementation Workgroup Monthly Call
Attachments:	April 2024 ozone implementation workgroup agenda.docx
Location:	Microsoft Teams Meeting
Start:	4/17/2024 5:00:00 PM
End:	4/17/2024 6:00:00 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:	Lang, Matthew; 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; Davidson, Olivia (she/her/hers); 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); Chen, Eugene; Naber, Nicole
Optional Attendees:	Schmitt, Ellen (she/her/hers); 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; 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; Williams, Jennifer; HertzWu, Sara

---

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Message

From: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/16/2024 7:56:12 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: Updated Detroit 6th Circuit Brief
Attachments: Detroit_ EPA Response Brief.DOCX

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Hello everyone,

Attached is the updated version that reflects the latest EPA and EDS management comments. This is moving up for our front office review. As always, we greatly appreciate your help and comments, and we are more than happy to discuss this version.

Thank again!!

Heather

Heather E. Gange
Senior Attorney, E-DOC

U.S. Department of Justice
Environment & Natural Resources Div.
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044-7611
(202) 514-4206 (office)
(202) 532-3157 (cell)
She/her/hers

Message

From: Shar, Alan [shar.alan@epa.gov]
Sent: 4/16/2024 10:08:18 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lawrence, Sydney [lawrence.sydney@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: OGC review of ch. TX 111
Attachments: Texas Rule.msg

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, April 16, 2024 4:35 PM
To: Feldman, Michael <Feldman.Michael@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: OGC review of ch. TX 111

Hi R6 friends (+ OAQPS for awareness and their thoughts on review schedule) –

Ex. 5 AC/DP

Please let me know if you have any questions or concerns with any of this, 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: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/17/2024 3:00:33 PM
To: Bianco, Karen [Bianco.Karen@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Whether a FFA supersedes a ripened or overdue FIP duty
Attachments: 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_d66082027e2545_ORDER_by_Judge_Seeborg_Denying_Motion_to_Enforce_C.pdf; ozone reclassification issues- table only final Oct25.docx; 2015_O3_Mod_DAAD_OAR_briefing_1-31-24.docx

CUI//PRIVILEGE

Ex. 5 AC/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: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Wednesday, April 17, 2024 8:37 AM
To: Thrift, Mike <thrift.mike@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Whether a FFA supersedes a ripened or overdue FIP duty

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Tuesday, April 16, 2024 7:00 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: Whether a FFA supersedes a ripened or overdue FIP duty

CUI//PRIVILEGE

SIPsters—

Ex. 5 AC/DP

I look forward to seeing all of your thoughtful answers in the morning (and maybe Gee Dubya's later tonight).

--Professor Mike

Mike Thrift
USEPA OGC
202-564-8852
Thrift.mike@epa.gov

Controlled by U.S. Environmental Protection Agency

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/17/2024 3:04:50 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Whether a FFA supersedes a ripened or overdue FIP duty
Attachments: 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_d66082027e2545_ORDER_by_Judge_Seeborg_Denying_Motion_to_Enforce_C.pdf; ozone reclassification issues- table only final Oct25.docx; 2015_O3_Mod_DAAD_OAR_briefing_1-31-24.docx

CUI//PRIVILEGE

Adding Hali and Bella to my response!

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby)
Sent: Wednesday, April 17, 2024 11:01 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Whether a FFA supersedes a ripened or overdue FIP duty

Ex. 5 AC/DP

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

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Wednesday, April 17, 2024 8:37 AM
To: Thrift, Mike <thrift.mike@epa.gov>

Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Whether a FFA supersedes a ripened or overdue FIP duty

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Tuesday, April 16, 2024 7:00 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: Whether a FFA supersedes a ripened or overdue FIP duty

CUI//PRIVILEGE

SIPsters—

Ex. 5 AC/DP

I look forward to seeing all of your thoughtful answers in the morning (and maybe Gee Dubya's later tonight).

--Professor Mike

Mike Thrift
USEPA OGC
202-564-8852
Thrift.mike@epa.gov

Controlled by U.S. Environmental Protection Agency

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/17/2024 4:15:04 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: ENV_DEFENSE-#1187049-v1-Texas_v_EPA_-_EPA_Answering_Brief_-_15_April_2024_PM.docx

CUI//PRIVILEGE

Hey Ben,

Ex. 5 AC/AWP

What do you think about raising this point in the brief and/or at oral argument?

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 5:43 PM
To: James, Corin ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Agreed. This tracks Eric's concern in his comments:

Ex. 5 AC/AWP

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From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

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From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thank you!

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-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

Westlaw © 2024 Thomson Reuters. No claim to original U.S. Government Works.

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/17/2024 11:53:07 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: ENV_DEFENSE-#1194027-v1-Texas_v_EPA_-_Answering_Brief_-_17_April_PM.docx

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All –

Attached is the latest draft of the brief. This incorporates edits from Jack (also Letty), as well as my paralegal, and – of course – EPA.

Two items:

Ex. 5 AC/AWP

I'm available to discuss before 10a tomorrow or anytime between 11a and 3p.

Thanks, all!

Ben

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Wednesday, April 17, 2024 12:15 PM
To: Grillot, Benjamin (ENRD)

Cc: Wilcox, Geoffrey ; Vijayan, Abi ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben,

Ex. 5 AC/AWP

What do you think about raising this point in the brief and/or at oral argument?

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 5:43 PM
To: James, Corin ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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.

Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

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From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

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From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Agreed. This tracks Eric's concern in his comments:

Ex. 5 AC/AWP

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From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

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From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

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From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

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Hey Ben – see attached. We proposed some language for the footnote on p. 47 and some edits to those related paragraphs as well - let us know what you think.

Ex. 5 AC/AWP

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From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

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From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thank you!

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-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians v. Environmental Protection Agency

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

Item: WildEarth Guardians v. Environmental Protection Agency

Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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Message

From: ecfnoticing@cadc.uscourts.gov [ecfnoticing@cadc.uscourts.gov]
Sent: 4/18/2024 3:46:03 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 19-1165 State of New York, et al v. EPA "Entry of Appearance Filed" (EPA-84FR32520)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 04/18/2024 at 11:46:02 AM Eastern Daylight Time and filed on 04/18/2024

Case Name:	State of New York, et al v. EPA
Case Number:	19-1165
Document(s):	Document(s)

Docket Text:
ENTRY OF APPEARANCE [2050174] filed by Michael F. Strande on behalf of Petitioner State of Maryland in 19-1165, Intervenor for Respondent State of Maryland in 19-1175, 19-1176, 19-1179. [19-1165, 19-1140, 19-1166, 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185, 19-1186, 19-1187, 19-1188] (Strande, Michael)

Notice will be electronically mailed to:

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Tim Duncheon: tduncheon@cov.com (*daily summary*)
Stephanie Tai: tai2@wisc.edu (*daily summary*)
Ms. Cara Ann Horowitz: horowitz@law.ucla.edu (*daily summary*)
Ms. Katherine Erin Konschnik, Director: kate.konschnik@duke.edu (*daily summary*)

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[8dccc92fb9432afa3201b46a1a3ddffc665faec76b886dff87b977f7d1f8ff0c0f69c19e9b2d1616243dd596e92d07693c23903c2b8b4aed5d6438218f81db3a]]

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/18/2024 4:18:54 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: ENV_DEFENSE-#1196064-v1-Texas_v_EPA_-_Answering_Brief_-_18_April_-_1215p.docx

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Attached is the current draft of the brief.

Notes:

Ex. 5 AC/AWP

I'd love edits / comments on any of the above – ideally by 3p this afternoon.

Thanks!

Ben

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:28 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks Ben!

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 11:22 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua

<olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:02 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:50 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Perfect. Thank you!

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 8:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Got it. Maybe we should meet earlier then – I'll move our meeting. 9:30 is soon, but we all appear to be online so let's try for that.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:43 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks, Corin. I'd like to get it the final version to Jack this afternoon, in case he has further comments or it needs more work tomorrow.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 7:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Just sent an invite for 2pm for us to discuss these points.

Just for planning purposes, when do you need our input before you send on to Jack for final approval?

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Wednesday, April 17, 2024 9:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

Sent from my iPhone

On Apr 17, 2024, at 7:53 PM, Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov> wrote:

All –

Attached is the latest draft of the brief. This incorporates edits from Jack (also Letty), as well as my paralegal, and – of course – EPA.

Two items:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

I'm available to discuss before 10a tomorrow or anytime between 11a and 3p.

Thanks, all!

Ben

From: James, Corin
Sent: Wednesday, April 17, 2024 12:15 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Vijayan, Abi ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben,

Ex. 5 AC/AWP

Thanks,
Corin

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From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 5:43 PM
To: James, Corin ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

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From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

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From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Agreed. This tracks Eric's concern in his comments:

Ex. 5 AC/AWP

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From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

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From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

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From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP/DP

Thank you!

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-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)

Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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<ENV_DEFENSE-#1194027-v1-Texas_v_EPA_-_Answering_Brief_-_17_April_PM.docx>

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/18/2024 4:56:14 PM
To: Watkins, Nealson [Watkins.Nealson@epa.gov]
CC: Sasser, Erika [Sasser.Erika@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Hagan, Nicole [Hagan.Nicole@epa.gov]; Perlmutt, Lars [perlmutt.lars@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: certification of index for PM NAAQS litigation (needs Peter's signature)
Attachments: Cert Index EPA-HQ-ORD-2014-0859 4-18-24.xlsx; Certified Index EPA-HQ-OAR-2015-0072 4-18-24.xlsx; PM NAAQS Certified Index signature page 4-18-24.docx

Hi Nealson,

Attached (as a word document) is the certification for the index to the administrative record for the PM NAAQS review (as you might remember, rather than require us to file the entire administrative record for the PM review, the court allows us to file a certified index to the record; I have also attached the index itself as excel files).

The certification needs to be filed with the DC Circuit on Monday so we are hoping Peter can sign the certification this week (or at least no later than noon on Monday). It is fine if he signs a paper version of the word document and then you return a PDF of the signed and scanned version to me. Or, if you want to convert the word document to a signable PDF and return an electronically signed version that is also fine.

Can you let me know if that all sounds reasonable? I am certainly happy to answer any questions you or Peter might have about the index or the process.

Thanks,

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

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 4/18/2024 7:22:02 PM
To: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: ENV_DEFENSE-#1194027-v1-Texas_v_EPA_-_Answering_Brief_-_17_April_PM.docx

Ex. 5 AC/AWP

Thanks,
Corin

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 12:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Attached is the current draft of the brief.

Notes:

Ex. 5 AC/AWP

I'd love edits / comments on any of the above – ideally by 3p this afternoon.

Thanks!

Ben

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:28 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua

<olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks Ben!

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 11:22 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Ex. 5 AC/AWP

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:02 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:50 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Perfect. Thank you!

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 8:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Got it. Maybe we should meet earlier then – I'll move our meeting. 9:30 is soon, but we all appear to be online so let's try for that.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:43 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Thanks, Corin. I'd like to get it the final version to Jack this afternoon, in case he has further comments or it needs more work tomorrow.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 7:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Just sent an invite for 2pm for us to discuss these points.

Just for planning purposes, when do you need our input before you send on to Jack for final approval?

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Wednesday, April 17, 2024 9:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: WildEarth Guardians 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.

Ex. 5 AC/AWP

Sent from my iPhone

On Apr 17, 2024, at 7:53 PM, Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov> wrote:

All –

Attached is the latest draft of the brief. This incorporates edits from Jack (also Letty), as well as my paralegal, and – of course – EPA.

Two items:

Ex. 5 AC/AWP

I'm available to discuss before 10a tomorrow or anytime between 11a and 3p.

Thanks, all!

Ben

From: James, Corin
Sent: Wednesday, April 17, 2024 12:15 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Vijayan, Abi ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben,

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 5:43 PM
To: James, Corin ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Agreed. This tracks Eric's concern in his comments:

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

--

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben – see attached. We proposed some language for the footnote on p. 47 and some edits to those related paragraphs as well - let us know what you think.

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Can you propose some language along these lines? And thoughts on my cuts to the paragraph?

Thank you!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua

Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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<ENV_DEFENSE-#1194027-v1-Texas_v_EPA_-_Answering_Brief_-_17_April_PM.docx>

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/18/2024 8:38:10 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: ENV_DEFENSE-#1197768-v1-Texas_v_EPA_-_18_April_-_NEAR_FINAL.docx

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Ex. 5 AC/AWP

Thanks team! I'm proud of this one.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 3:31 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Sounds like a plan – thanks Ben!

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 3:30 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

If Jack feels otherwise (or has a strong preference either way) I'll let you know.

Thanks, again, for all of your hard work on this!

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 3:22 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

Thanks,
Corin

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 12:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Attached is the current draft of the brief.

Notes:

Ex. 5 AC/AWP

I'd love edits / comments on any of the above – ideally by 3p this afternoon.

Thanks!

Ben

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:28 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua

<olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks Ben!

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 11:22 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Ex. 5 AC/AWP

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:02 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:50 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Perfect. Thank you!

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 8:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Got it. Maybe we should meet earlier then – I'll move our meeting. 9:30 is soon, but we all appear to be online so let's try for that.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:43 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Thanks, Corin. I'd like to get it the final version to Jack this afternoon, in case he has further comments or it needs more work tomorrow.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 7:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Just sent an invite for 2pm for us to discuss these points.

Just for planning purposes, when do you need our input before you send on to Jack for final approval?

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Wednesday, April 17, 2024 9:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: WildEarth Guardians v. Environmental Protection Agency



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Ex. 5 AC/AWP

Sent from my iPhone

On Apr 17, 2024, at 7:53 PM, Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov> wrote:

All –

Attached is the latest draft of the brief. This incorporates edits from Jack (also Letty), as well as my paralegal, and – of course – EPA.

Two items:

Ex. 5 AC/AWP

I'm available to discuss before 10a tomorrow or anytime between 11a and 3p.

Thanks, all!

Ben

From: James, Corin
Sent: Wednesday, April 17, 2024 12:15 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Vijayan, Abi ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben,

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 5:43 PM
To: James, Corin ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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.

Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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.

Agreed. This tracks Eric's concern in his comments:

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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.

Ex. 5 AC/AWP/DP

Thank you!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency
-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua

Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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<ENV_DEFENSE-#1194027-v1-Texas_v_EPA_-_Answering_Brief_-_17_April_PM.docx>

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/20/2024 1:13:21 PM
To: Thrift, Mike [thrift.mike@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: FW: ISO some intel on reporting related to SO2 emissions
Attachments: Detroit FIP final 2022-21662.pdf

CUI//PRIVILEGE

Mike:

Thank you for providing this helpful example.

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, April 19, 2024 11:59 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: ISO some intel on reporting related to SO2 emissions

CUI//PRIVILEGE

Geoff—

Ex. 5 AC/DP

--Mike

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 19, 2024 4:24 AM
To: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: ISO some intel on reporting related to SO2 emissions

CUI//PRIVILEGE

M and HK:

Ex. 5 AC/DP

Please advise.

G

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Message

From: Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]
Sent: 4/22/2024 11:27:56 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Shelton, Stacy (she/her/hers) [Shelton.Stacy@epa.gov]
Subject: RE: Question re: comments
Attachments: KY-298 comment

Ex. 5 AC/DP

Bonnie Sawyer
Attorney Adviser | U.S. EPA | R4 | ORC | AELO
p: (404) 562-9539

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 18, 2024 4:43 PM
To: Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Subject: RE: Question re: comments

No questions or concerns, thanks Bonnie!

From: Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Sent: Thursday, April 18, 2024 2:37 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Question re: comments

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks

Bonnie Sawyer
Attorney Adviser | U.S. EPA | R4 | ORC | AELO
p: (404) 562-9539

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Appointment

From: Mocka, Corey [mocka.corey@epa.gov]
Sent: 4/22/2024 12:39:37 PM
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Miller, Meredith [Miller.Meredith@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: 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

Ex. 5 AC/DP

Including AQPD for awareness.

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: Miller, Meredith [Miller.Meredith@epa.gov]
on behalf of Mocka, Corey [mocka.corey@epa.gov]
Sent: 4/22/2024 12:48:06 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]

Subject: FW: 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

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?

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: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/22/2024 2:03:04 PM
To: Ling, Michael [Ling.Michael@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: reporting requirements for SO2 sources
Attachments: Detroit FIP final 2022-21662.pdf

CUI//PRIVILEGE

Mr. L:

Ex. 5 AC/DP

G

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Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 4/22/2024 4:46:37 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: FW: 24-1091 Essential Minerals Association v. EPA, et al "Petition for Review" (EPA-89FR16202)
Attachments: Essential Minerals PFR.pdf

FYI—another industry petition for review of the PM NAAQS to go with the ones we have…

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

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Monday, April 22, 2024 12:41 PM
To: Orlin, David <Orlin.David@epa.gov>; St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: FW: 24-1091 Essential Minerals Association v. EPA, et al "Petition for Review" (EPA-89FR16202)

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New petition on the industry side. Huh.

Sarah

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Monday, April 22, 2024 12:39 PM
To: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: 24-1091 Essential Minerals Association v. EPA, et al "Petition for Review" (EPA-89FR16202)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 04/22/2024 at 12:38:29 PM Eastern Daylight Time and filed on 04/19/2024

Case Name:	Essential Minerals Association v. EPA, et al
Case Number:	24-1091
Document(s):	Document(s)

Docket Text:
PETITION FOR REVIEW [2050744] of a decision by federal agency filed by Essential Minerals Association

[Service Date: 04/19/2024] Disclosure Statement: Attached. [24-1091]

Notice will be electronically mailed to:

Ms. Sarah A. Buckley, Trial Attorney: sarah.buckley@usdoj.gov, efile_eds.enrd@usdoj.gov
Emily C. Schilling: ecschilling@hollandhart.com, sahay@hollandhart.com, intaketeam@hollandhart.com
Alexandra L. St. Romain: alexandra.st.romain@usdoj.gov, nathaniel.cavin@usdoj.gov, efile_eds.enrd@usdoj.gov
Kristina R. Van Bockern: trvanbockern@hollandhart.com, intaketeam@hollandhart.com

The following document(s) are associated with this transaction:
Document Description: Petition for Review
Original Filename: Case No. 24-1091 Petition for Review.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=04/19/2024] [FileNumber=2050744-0]
[00c836d58abf5ff3f6e73c10759266f946b726bbc93f9466a9316f23d7be5e22f823042e617592fdf3833867363e9990774f85d1dc071c8d732d7f8460700424]]

Document Description: Final Rule
Original Filename: Case No. 24-1091 Final Rule.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=04/19/2024] [FileNumber=2050744-1]
[0412f3b0533b17809e3281b1fbf7ba024a17c27ab005f35d8cfb74a7f336b143a8a4fe3d0181ee709cce43296cee0a41cc1155b462cda193dfee89d38fcf8a52]]

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 4/22/2024 5:09:53 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: CCAEJ v. EPA, No 23-03571; fees and costs settlement proposal
Attachments: 2024.04.17 letter to Rigau re fees settlement 23-03571 FINAL SIGNED.pdf; 2024.04.17 fees summary table 23-03571.pdf

CUI//PRIVILEGE

Good afternoon, Abi.

Brent Newell, the attorney representing CAAEJ in the CCAEJ.EPA, No. 23-03571 action (CD agreeing to take final action on CA's submittal of the warehouse rule for incorporation into the SIP) submitted his attorney's fees to DOJ.

Ex. 5 AC/AWP

Thank you!

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

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From: Rigau, Mark (ENRD) <Mark.Rigau@usdoj.gov>
Sent: Friday, April 19, 2024 8:32 PM
To: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FW: CCAEJ v. EPA, No 23-03571; fees and costs settlement proposal

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Yasmin and Jeff,

Ex. 5 AC/AWP

We have not received any fee notices from EarthJustice or the other counsel from LA. I'll let you know when we do.

Thank you.

Best,
Mark

From: Brent Newell <brentjnewell@outlook.com>
Sent: Wednesday, April 17, 2024 1:23 PM
To: Rigau, Mark (ENRD) <Mark.Rigau@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No 23-03571; fees and costs settlement proposal

Mark,

Good afternoon! Please see attached letter (with exhibits) and fees summary table. Please reach out if you have any questions or would like to discuss.

Regards,
Brent

Brent Newell
Law Office of Brent J. Newell
245 Kentucky Street, Suite A4
Petaluma, CA 94952
(661) 586-3724

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Message

From: Dickinson, David [Dickinson.David@epa.gov]
Sent: 4/22/2024 6:31:21 PM
To: James, Corin [James.Corin01@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; O'Kelly, Jeremy [OKelly.Jeremy@epa.gov]
Subject: RE: 307(b) language in FRNs adopting California's ACC I into state SIPs
Attachments: SAFE I recon 2022-05227.pdf; HD ACT 2023-07184.pdf

CUI//PRIVILEGE

All

Ex. 5 AC/AWP/DP

David

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From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, April 22, 2024 2:19 PM
To: Patulski, Meg <patulski.meg@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Dickinson, David <Dickinson.David@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>
Subject: RE: 307(b) language in FRNs adopting California's ACC I into state SIPs

CUI//PRIVILEGE

Hi Meg,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Let me know if it would be helpful to discuss.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Friday, April 19, 2024 4:09 PM
To: James, Corin <James.Corin01@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Dickinson, David <Dickinson.David@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>
Subject: RE: 307(b) language in FRNs adopting California's ACC I into state SIPs

CUI//PRIVILEGE

Hi Corin and Jeanhee,

Ex. 5 AC/AWP/DP

We appreciate your help. Thanks.

Meg

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, April 19, 2024 12:17 PM
To: O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Patulski, Meg <patulski.meg@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 307(b) language in FRNs adopting California's ACC I into state SIPs

CUI//PRIVILEGE

Hi Jeremy,

Ex. 5 AC/AWP/DP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>
Sent: Friday, April 19, 2024 11:10 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Patulski, Meg <patulski.meg@epa.gov>; Dickinson, David <Dickinson.David@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: 307(b) language in FRNs adopting California's ACC I into state SIPs

Jeanhee,

Ex. 5 AC/AWP/DP

Regards,

Jeremy O'Kelly

State and Local Transportation Programs Branch

Assessments and Standards Division
Office of Transportation and Air Quality
US Environmental Protection Agency

Email: okelly.jeremy@epa.gov

Message

From: Grillot, Benjamin (ENRD) [Benjamin.Grillot@usdoj.gov]
Sent: 4/22/2024 9:11:04 PM
To: Olszewski, Joshua [olszewski.joshua@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: WildEarth Guardians v. Environmental Protection Agency
Attachments: Texas v EPA - 23-60616 - Fifth Circuit - EPAs Answering Brief.pdf

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Thanks Josh!

Attached, for your records, is the as-filed version of our brief. I'll let you know when Intervenors file and when we get the Reply brief. Looking forward to oral argument on this one!

A huge thanks to all of you for making this process as pleasant as possible. I couldn't imagine a better team for my first SIP case.

Best,

Ben

From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Monday, April 22, 2024 11:02 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

Thanks for your work on this draft and your positive approach throughout this process.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 3:38 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

Thanks team! I'm proud of this one.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 3:31 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Sounds like a plan – thanks Ben!

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 3:30 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

If Jack feels otherwise (or has a strong preference either way) I'll let you know.

Thanks, again, for all of your hard work on this!

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 3:22 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

Thanks,
Corin

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 12:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency



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Attached is the current draft of the brief.

Notes:

Ex. 5 AC/AWP

I'd love edits / comments on any of the above – ideally by 3p this afternoon.

Thanks!

Ben

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:28 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks Ben!

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 11:22 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua

<olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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Ex. 5 AC/AWP

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 11:02 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Ex. 5 AC/AWP

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:50 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians 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.

Perfect. Thank you!

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 8:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Got it. Maybe we should meet earlier then – I'll move our meeting. 9:30 is soon, but we all appear to be online so let's try for that.

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Thursday, April 18, 2024 8:43 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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

Thanks, Corin. I'd like to get it the final version to Jack this afternoon, in case he has further comments or it needs more work tomorrow.

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 18, 2024 7:49 AM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Just sent an invite for 2pm for us to discuss these points.

Just for planning purposes, when do you need our input before you send on to Jack for final approval?

From: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Sent: Wednesday, April 17, 2024 9:19 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: Re: WildEarth Guardians v. Environmental Protection Agency

[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

Sent from my iPhone

On Apr 17, 2024, at 7:53 PM, Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov> wrote:

All –

Attached is the latest draft of the brief. This incorporates edits from Jack (also Letty), as well as my paralegal, and – of course – EPA.

Two items:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

I'm available to discuss before 10a tomorrow or anytime between 11a and 3p.

Thanks, all!

Ben

From: James, Corin
Sent: Wednesday, April 17, 2024 12:15 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Vijayan, Abi ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben,

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 5:43 PM
To: James, Corin ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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.

Here's the version I sent Jack this afternoon. If you get me any final edits by Wednesday at Noon, I'll try to fold those into a Very Near Finall late-week proof (consolidating with Jack's edits).

Thanks again, all.

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 3:19 PM
To: Grillot, Benjamin (ENRD) ; Olszewski, Joshua
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Anyways – that was my thinking. I imagine you've already sent on to Jack, so not sure how much it's worth noodling over this.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 2:50 PM
To: Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE



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Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 2:45 PM
To: Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Monday, April 15, 2024 1:13 PM
To: James, Corin
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin. I really appreciate everyone's eyes on this.

Quick notes:

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Monday, April 15, 2024 1:24 PM
To: Grillot, Benjamin (ENRD)
Cc: Wilcox, Geoffrey ; Olszewski, Joshua ; Vijayan, Abi
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua
Sent: Monday, April 15, 2024 9:35 AM
To: Grillot, Benjamin (ENRD) ; Vijayan, Abi ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks Ben, I appreciate the suggestions below and I'll work with OGC on edits to the footnote you added to your latest draft.

Controlled by U.S. Environmental Protection Agency

From: Grillot, Benjamin (ENRD)
Sent: Saturday, April 13, 2024 12:49 PM
To: Vijayan, Abi ; Olszewski, Joshua ; James, Corin
Cc: Wilcox, Geoffrey
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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.

Ex. 5 AC/AWP/DP

Thank you!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Vijayan, Abi
Sent: Friday, April 12, 2024 6:34 PM
To: Olszewski, Joshua ; Grillot, Benjamin (ENRD) ; James, Corin
Cc: Wilcox, Geoffrey
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency

-----Original Message-----
From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Friday, April 12, 2024 6:11 PM
To: Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

A couple things to add:

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

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 Corin! This is great background. I'm not yet to Josh's comment - but I think I have enough that when I get there I can wrestle it into shape.

If I have questions I'll flag them and may end up floating some proposed language on Monday morning for review before I send the draft to Jack!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 5:01 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, glad to hear that this seems workable on your end. Look forward to getting this one across the finish line!

Ex. 5 AC/AWP/DP

Let me know if you want me to suggest some line edits in the brief - I'm mindful of version control so I don't want to mess you up. But wanted to flag this for you as soon as possible.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Friday, April 12, 2024 4:08 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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

Hi Corin -

Thanks for this. I think we can definitely live with this approach. I'll consolidate these edits and get a version for Jack to review on Monday AM.

Once I have Jack's edits, and a paralegal proof, I'll send it to this group for a final nit review - hopefully by Wednesday or Thursday of next week.

I really appreciate your time and attention to this. It's a good brief - in no small part thanks to your hard work.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Friday, April 12, 2024 3:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hi Ben, thanks for the helpful discussion earlier.

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 11:03 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Hi Corin -

No worries! We're both free between 11a and 1p tomorrow, or after 3p. Feel free to send a calendar invite for anything in those windows.

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 10:45 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, thanks for getting back so quickly. It looks like I was too optimistic about getting something on the calendar today - any chance you and Eric are both working tomorrow and have time to chat then?

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 11, 2024 8:59 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Eric is free from 2p - 2:30p. If that works for Gautam, can you send a calendar invite?

Thanks!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Thursday, April 11, 2024 8:34 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, would you and Eric be willing to have a chat with us and Gautam (our manager) about the brief this afternoon? Gautam just wants to understand our argument here a little better.

I'm still waiting to hear from our team about timing, but I'm hoping we can find a time this afternoon, maybe at 2 or 3. Let me know if you all have some time for this, and when might work well.

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 10, 2024 10:00 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Thanks Corin. Sure thing. I haven't yet integrated his comments (was waiting to synthesize with your management's) - but happy to share.

I'm tied up with a Moot this afternoon, so no hurry on getting comments to me today - I'll look at them tomorrow morning.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 10, 2024 9:33 AM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Hey Ben, as an update, we're hoping to get our management comments back to you today.

In the meantime, would you mind sharing Eric's mark-up of the brief? We're curious to see his feedback.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 3:49 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

Thanks, Ben. Appreciate the extra time!

-----Original Message-----
From: Grillot, Benjamin (ENRD)

Sent: Monday, April 8, 2024 1:34 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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Sure thing. I think I'd like to get the "Almost Final" up to the final reviewer by next Monday - so even Thursday is fine.

Ex. 5 AC/AWP

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Monday, April 8, 2024 1:30 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Thanks, Ben. Does Wednesday work for management edits? I think our original schedule had alotted until Thursday, so I thought that would be okay but let me know.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Monday, April 8, 2024 12:42 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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All -

No hurry on edits from your management. Tomorrow by COB is fine. We have some extra time because DOJ's front office has deferred final approval to our section leadership.

I have some very helpful edits from Eric - and am looking forward to putting an Almost Final version together later this week.

Thanks,

Ben

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Thursday, April 4, 2024 9:58 AM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

All -

Attached is the version I sent to Eric this morning (labelled "Clean") and the same draft, but retaining our wonderful comment threads (labelled "With Comments").

Eric intends to get comments back to me by Monday - so a similar turnaround for comments from your management would be appreciated.

Thanks again for all of your hard work on this! It's very much appreciated - and I'm pretty proud of the product we've crafted.

Best,

Ben

-----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:16 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Sounds good, thanks Ben!

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Grillot, Benjamin (ENRD)
Sent: Wednesday, April 3, 2024 2:07 PM
To: James, Corin
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

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I definitely think it will help and will fold it into the draft I circulate tomorrow.

Working through your other edits / comments now - really good, helpful, stuff. Thanks again.

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: James, Corin
Sent: Wednesday, April 3, 2024 2:05 PM
To: Grillot, Benjamin (ENRD)
Cc: Vijayan, Abi ; Wilcox, Geoffrey ; Olszewski, Joshua
Subject: [EXTERNAL] RE: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Ex. 5 AC/AWP

Thanks,
Corin

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, April 1, 2024 10:55 AM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Grillot, Benjamin (ENRD) <Benjamin.Grillot@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: WildEarth Guardians v. Environmental Protection Agency

CUI//PRIVILEGE

Gang:

Attached is the other case that I mentioned.

Ex. 5 AC/AWP

Take a look and see what you think. I can give you more background and color commentary if you want.

G

Controlled by U.S. Environmental Protection Agency -----Original Message-----
From: Westlaw@westlaw.com <Westlaw@westlaw.com>
Sent: Saturday, March 30, 2024 11:57 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: WildEarth Guardians 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: WildEarth Guardians v. Environmental Protection Agency
Citation: 830 F.3d 529
Sent On: Saturday, March 30, 2024
Sent By: Geoffrey Wilcox
Client ID: 11142085-FWWEJ1

Note: stunning legal acumen

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<ENV_DEFENSE-#1194027-v1-Texas_v_EPA_-_Answering_Brief_-_17_April_PM.docx>

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 4/23/2024 5:48:00 PM
To: Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Friday, April 19, 2024 8:45 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 19, 2024 7:34 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Rosemary:

We are doing some more thinking on this notice.

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 16, 2024 6:13 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Geoff and Libby – Bumping this to the top of your inbox. We're still looking for resolution on the several items I tagged per my note below. Here's a link for your convenience:

MO 2015 Ozone Interstate Transport SIP NPRM concurrence copy - OGC.docx

Can we aim to get this cleared in the next couple days?

From: Schramm, Daniel
Sent: Thursday, April 11, 2024 9:41 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Ex. 5 AC/DP

Ex. 5 AC/DP

Hoping for internal resolution this week? Thank you again very much!

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, April 5, 2024 5:20 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Ugh thank you. Really appreciate it.

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 4:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Re: my comments on MO

Oh that sounds miserable. Sorry Libby. Oof. We can live with taking this past Monday.

Sent from my iPhone

On Apr 5, 2024, at 1:57 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 12:43 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks again for your help – again, let's aim to finish these edits by Monday ~midday?

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, April 4, 2024 7:47 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: my comments on MO

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

Ex. 5 AC/DP

This really is vexing for all of us, I know.

G

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/24/2024 4:08:35 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

AV:

Ex. 5 AC/DP

THEN, mark it up again…

G

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 24, 2024 12:07 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

Hi Team,

Certainly welcome your thoughts on Dan's inquiry below of whether we can get through this one today!

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, April 24, 2024 11:59 AM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure
Importance: High

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel
Sent: Tuesday, April 23, 2024 1:48 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Friday, April 19, 2024 8:45 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 19, 2024 7:34 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Rosemary:

We are doing some more thinking on this notice.

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 16, 2024 6:13 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

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Subject: RE: my comments on MO

Ex. 5 AC/DP

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, April 5, 2024 5:20 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

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Sent: Friday, April 5, 2024 4:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Re: my comments on MO

Oh that sounds miserable. Sorry Libby. Oof. We can live with taking this past Monday.

Sent from my iPhone

On Apr 5, 2024, at 1:57 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 12:43 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

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Controlled by U.S. Environmental Protection Agency

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Sent: Thursday, April 4, 2024 7:47 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: my comments on MO

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

Message

From: Thrift, Mike [thrift.mike@epa.gov]
Sent: 4/24/2024 4:19:48 PM
To: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: FFA Discussion - Ukeiley
Attachments: SO2 NSIP Round 4 NOIvfin.pdf

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

-----Original Appointment-----
From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, April 24, 2024 8:49 AM
To: Thrift, Mike; Kerr, Hali (she/her/hers); Smith, Isabella; Mataway-Novak, Dylan (he/him/his); Hawes, Todd; Senter, Stephen
Subject: FFA Discussion - Ukeiley
When: Thursday, April 25, 2024 3:45 PM-4:15 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)

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: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 4/24/2024 4:33:59 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

Thanks much, Geoff and team. I just spoke to Geoff by phone too. I think this is the most efficient approach. Rosemary – I'll follow up in a second on how to proceed. Thanks!

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, April 24, 2024 12:27 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

Dan:

Thank you for keeping us updated and in the loop.

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, April 24, 2024 11:59 AM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>

Subject: RE: MO Good Neighbor NPRM and Force Majeure
Importance: High

CUI//PRIVILEGE

Ex. 5 AC/DP

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Sent: Tuesday, April 23, 2024 1:48 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Friday, April 19, 2024 8:45 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

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Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
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CUI//PRIVILEGE

Rosemary:

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Ex. 5 AC/DP

G

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Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

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To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
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Ugh thank you. Really appreciate it.

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To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Re: my comments on MO

Oh that sounds miserable. Sorry Libby. Oof. We can live with taking this past Monday.

Sent from my iPhone

On Apr 5, 2024, at 1:57 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

Ex. 5 AC/DP

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CUI//PRIVILEGE

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Subject: my comments on MO

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

Message

From: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 4/24/2024 4:53:08 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: Detroit 6th Circuit Challenge
Attachments: Final EPA_Response_Brief.pdf

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

Hi everyone,

Here is an as-filed copy of our brief that was filed last night. Thank you all again for your help.

Best regards,

Heather

Sent from my iPhone

Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 4/24/2024 5:01:40 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

Geoff, Libby, and Abi,

Ex. 5 AC/DP

Please let me know if you have concerns about this approach!

Emily

Controlled by U.S. Environmental Protection Agency

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Sent: Wednesday, April 24, 2024 12:27 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
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Subject: RE: MO Good Neighbor NPRM and Force Majeure

CUI//PRIVILEGE

Dan:

Thank you for keeping us updated and in the loop.

Ex. 5 AC/DP

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CUI//PRIVILEGE

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Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

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Subject: my comments on MO

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

Message

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

What a fascinating trip back down Memory Lane!

Ex. 5 AC/DP

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

Hi all,

Ex. 5 AC/DP

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

Hi Abi,

Ex. 5 AC/DP

Aaron

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

Ex. 5 AC/DP

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

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

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

Kara:

Ex. 5 AC/DP

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

Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 4/24/2024 5:16:52 PM
To: Becoat, Gregory [becoat.gregory@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Deese, William [deese.william@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]; Lau, Gavin (he/him/his) [Lau.Gavin@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; McIntyre, Gerald [McIntyre.Gerald@epa.gov]; Mohr, Ashley [Mohr.Ashley@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Panos, Christos [Panos.Christos@epa.gov]; Parke, Nicolas [Parke.Nicolas@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]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@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]
CC: National SIP Processing Workgroup [NatlSIPProcessingWG@epa.gov]; 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]; Senter, Stephen [Senter.Stephen@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Washington, Stephanie [Washington.Stephanie@epa.gov]
Subject: April National SIP Processing Workgroup Conference Call
Attachments: 2024-04-25_Agenda.docx; EAMS 2.2 Release Notes.pdf

Draft Agenda National SIP Processing Workgroup Conference Call
Thursday, April 25, 2024 12:00 PM to 1:00 PM ET

Ex. 6 Personal Privacy (PP)

SIP Workgroup SharePoint site

Region 4 will take meeting minutes (action items – if needed).

Discussion Items

1. SIP Issue Tracker
2. EJ Template / EJ in SIPs
3. Additional Questions/Comments from the Regions

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

1) 2024-04-25_Agenda.docx
2) EAMS 2.2 Release Notes.pdf

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++++++++++++++++++++++++++

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

Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 4/25/2024 6:37:02 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: new language in MO disapproval NPRM
Attachments: MO 2015 Ozone Interstate Transport SIP NPRM concurrence copy - new language.docx

Geoff and Libby- Are you available to join Gautam's office hours at 4:30 to discuss some reactions he has about the language added to the MO transport SIP?

Copying Abi for awareness, but recognizing that she may be booked at 4:30. I may not be able to join, but will do my best to break free from my conflicting meeting.

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, April 25, 2024 2:29 PM
To: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: new language in MO disapproval NPRM

Ah, good point. **Ex. 5 AC/AWP/DP**

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

From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, April 25, 2024 2:28 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: new language in MO disapproval NPRM

Ex. 5 AC/AWP/DP

I'm the least important attendee but can probably only join 4-4:15.

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, April 25, 2024 2:15 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: new language in MO disapproval NPRM

Could also talk at 4p.

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

he/him/his

From: Srinivasan, Gautam
Sent: Thursday, April 25, 2024 2:05 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: new language in MO disapproval NPRM

I have questions about the new substantive language. Will try to type up an email between meetings. If I fail, maybe office hours?

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

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Wednesday, April 24, 2024 1:52 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: new language in MO disapproval NPRM

Hi Gautam,

Ex. 5 AC/AWP/DP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7519C

Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 4/25/2024 8:21:41 PM
To: Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; Leon-Guerrero, Tim [Leon-Guerrero.Tim@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]
Subject: RESPONSE RE: HQ SIP Portal: Approval of Indiana, PA SO2 Attainment Plan Due 2024-04-25
Attachments: EPA3_IndianaCountyPA_SO2_Mar2024ModelingTSD_Finalv2_HQ_Revise.docx; 04_15_24_NPRM IndianaPA SO2 attainmentplan_HQ.docx

Hello everyone,

Thank you for your patience, addressing our comments, and the opportunity to review this notice again. Please find the attached HQ review documents for the Indiana, PA attainment plan and TSD. We don't need to see the notice again.

Please let us know if you have any further questions.

Kind regards,
Alina

Angelina Brashear
U.S. Environmental Protection Agency
State & Local Programs Group – Air Quality Planning Division
109 T.W Alexander Drive, Research Triangle Park NC, 27709
t: (919) 541-4746
e: brashear.angelina@epa.gov

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From: Brashear, Angelina (she/her/hers)
Sent: Wednesday, April 17, 2024 5:07 PM
To: Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Leon-Guerrero, Tim <Leon-Guerrero.Tim@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Approval of Indiana, PA SO2 Attainment Plan Due 2024-04-25

Hi all,

Just wanting to confirm that HQ can meet the requested 4/25/2024 deadline for review.

Thank you,
Alina

From: Brashear, Angelina (she/her/hers)
Sent: Tuesday, April 16, 2024 9:08 AM
To: Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Leon-Guerrero, Tim <Leon-Guerrero.Tim@epa.gov>; Dru,

Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Approval of Indiana, PA SO2 Attainment Plan Due 2024-04-25

Hi all,

Just wanting to confirm receipt of this 2nd round of review for Indiana, PA. Will be in touch with you to confirm the deadline.

Thank you,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, April 16, 2024 7:58 AM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@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: Approval of Indiana, PA SO2 Attainment Plan Due 2024-04-25

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A new item titled "Approval of Indiana, PA SO2 Attainment Plan" has been submitted by Region 03 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Approval of Indiana, PA SO2 Attainment Plan
State: PA
Region: 03
Standard: SO2 (2010)
Area: Indiana, PA SO2 Nonattainment area
Document Category: AP/MP
Date Submitted to HQ: 2024-04-16
HQ Due Date: 2024-04-25
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments:
Regional Manager(s): Goold, Megan (she/her/hers);
Regional Staff Lead(s): Goold, Megan (she/her/hers);
ORC Staff Lead(s): Dru, Jacobine (she/her/hers);
OAQPS Staff Involved: Brashear, Angelina (she/her/hers);
OGC Staff Involved: Thrift, Mike;
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/25/2024 9:03:29 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: Exceptional Events Rule - Data Aggregation

CUI//PRIVILEGE

Hi Abi,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

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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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/26/2024 8:42:01 PM
To: Orlin, David [Orlin.David@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]
Subject: RE: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

Ex. 5 AC/DP

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, April 26, 2024 4:37 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

Ex. 5 AC/DP

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

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 26, 2024 4:30 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

Mr. O:

Ex. 5 AC/DP

G

From: E&E News <edition@email.eenews.net>
Sent: Friday, April 26, 2024 4:20 PM

To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: E&E News PM: Court shuts down offshore wind challenges over endangered whale

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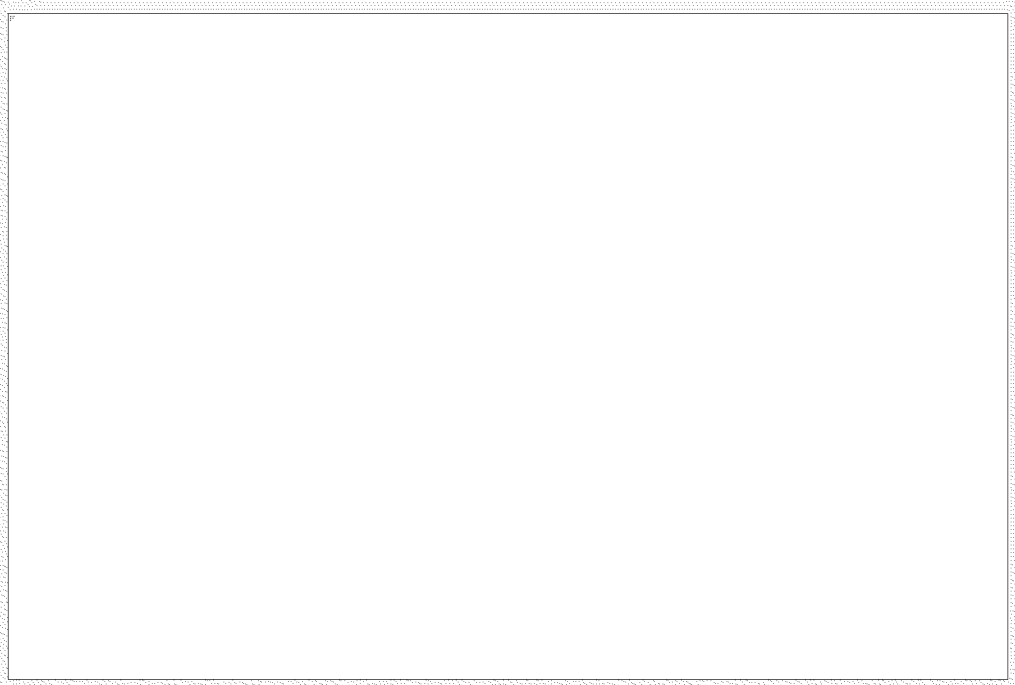
AN E&E NEWS PUBLICATION

FRIDAY, APRIL 26, 2024

1 Court shuts down offshore wind challenges over endangered whale

HEATHER RICHARDS

The lawsuits sought to block Vineyard Wind, a 62-turbine wind farm in the Atlantic Ocean.



A pair of North Atlantic right whales interact at the surface of Cape Cod Bay off Massachusetts on March 27, 2023. | Robert F. Bukaty/AP

THIS AFTERNOON'S STORIES

2 FAA adopts EPA's plan on aircraft pollution
MIKE LEE

3 Florida asks DC Circuit to revive state's wetlands permitting power
MIRANDA WILLSON

4 EPA adviser urges shake-up to air pollutant reviews
SEAN REILLY

5 NRDC hires climate adaptation leader
ROBIN BRAVENDER

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Phone: 202-628-6500

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Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 4/26/2024 9:17:12 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Orlin, David [Orlin.David@epa.gov]
Subject: RE: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

I appreciate the offer ☺.

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

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 26, 2024 5:11 PM
To: Williams, Melina <Williams.Melina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

MW:

Just let me know if you need me to send in a comment letter in my personal capacity. I will be sure to have someone else edit it for inclusion in a family friendly docket and FRN first, of course.

G

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Friday, April 26, 2024 5:09 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

Ex. 5 AC/DP

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, April 26, 2024 4:36 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

Ex. 5 AC/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 26, 2024 4:30 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: A CO2 NAAQS? FW: E&E News PM: Court shuts down offshore wind challenges over endangered whale

Mr. O:

Ex. 5 AC/DP

G

From: E&E News <edition@email.eenews.net>
Sent: Friday, April 26, 2024 4:20 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: E&E News PM: Court shuts down offshore wind challenges over endangered whale

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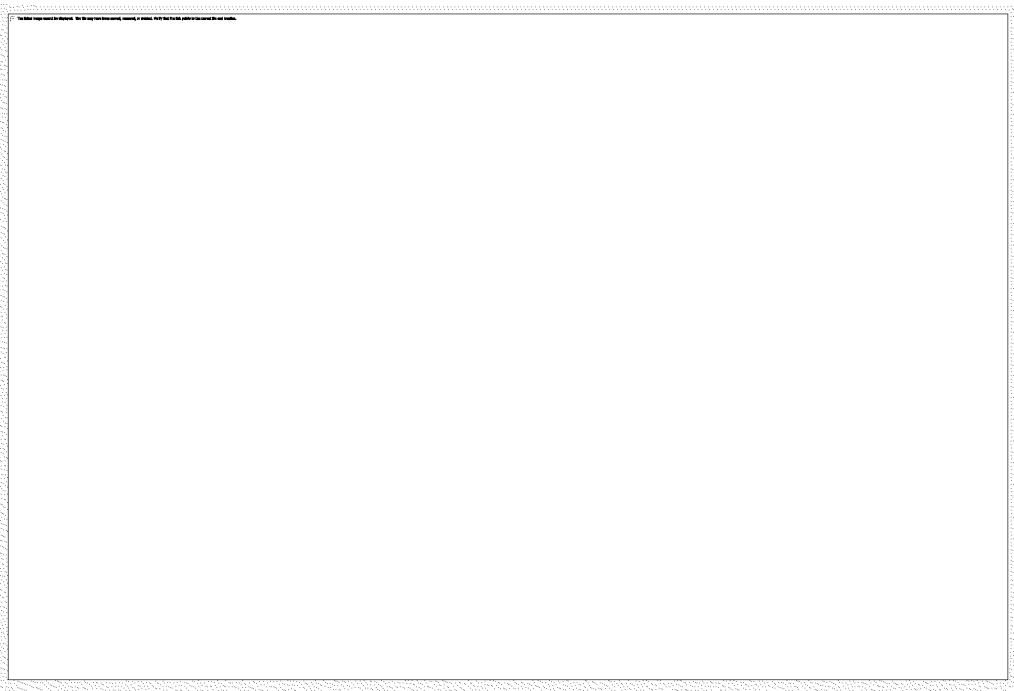
AN E&E NEWS PUBLICATION

FRIDAY, APRIL 26, 2024

1 Court shuts down offshore wind challenges over endangered whale

HEATHER RICHARDS

The lawsuits sought to block Vineyard Wind, a 62-turbine wind farm in the Atlantic Ocean.



A pair of North Atlantic right whales interact at the surface of Cape Cod Bay off Massachusetts on March 27, 2023. | Robert F. Bukaty/AP

THIS AFTERNOON'S STORIES

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MIKE LEE

3 Florida asks DC Circuit to revive state's wetlands permitting power
MIRANDA WILLSON

4 EPA adviser urges shake-up to air pollutant reviews
SEAN REILLY

5 NRDC hires climate adaptation leader
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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/28/2024 4:59:00 PM
To: Doster, Brian [Doster.Brian@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: ISO confirmation on some PSD points
Attachments: SIP call legal memo EPA-HQ-OAR-2012-0322-0029_content (2).pdf; Rasnic memo automati.pdf; Indeck.pdf

CUI//PRIVILEGE

BD and M2:

Hi. I am trying to dig back into SSM issues.

Ex. 5 AC/DP

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/28/2024 6:32:26 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Doster, Brian [Doster.Brian@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]
Subject: the title V permit petition response - SIP/PSD conflict
Attachments: pirkey_response2014.pdf

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L and A:

Ex. 5 AC/DP

G

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/29/2024 4:06:12 PM
To: Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
Subject: A question about TX ADs
Attachments: FRN - Final Action Withdrawing Texas SSM SIP Call - OFR Comments (1).pdf

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R6 Friends:

Ex. 5 AC/DP

G

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/29/2024 4:13:53 PM
To: Lawrence, Sydney [lawrence.sydney@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: A question about TX ADs
Attachments: FRN - Final Action Withdrawing Texas SSM SIP Call - OFR Comments (1).pdf

CUI//PRIVILEGE

Sydney:

Ex. 5 AC/DP

G

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From: Wilcox, Geoffrey
Sent: Monday, April 29, 2024 12:06 PM
To: Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: A question about TX ADs

R6 Friends:

Ex. 5 AC/DP

Ex. 5 AC/DP

G

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 4/29/2024 6:06:56 PM
To: Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Shar, Alan [shar.alan@epa.gov]
CC: Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: ISO a quick technical consult on work practices
Attachments: Texas Chapter 111 Rule - SIP Submittal - August 20 2020 (002).pdf

CUI//PRIVILEGE

Region 6 Friends:

Ex. 5 AC/DP

G

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Message

From: Doster, Brian [Doster.Brian@epa.gov]
Sent: 4/29/2024 8:09:04 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]
Subject: RE: ISO confirmation on some PSD points
Attachments: 2014 Pirkey Title V - BACT SSM.pdf; 2012 Cash Creek.pdf

CUI//PRIVILEGE

Geoff,

Ex. 5 AC/DP

With this foundation, I'll address some of your specific questions in blue ink below.

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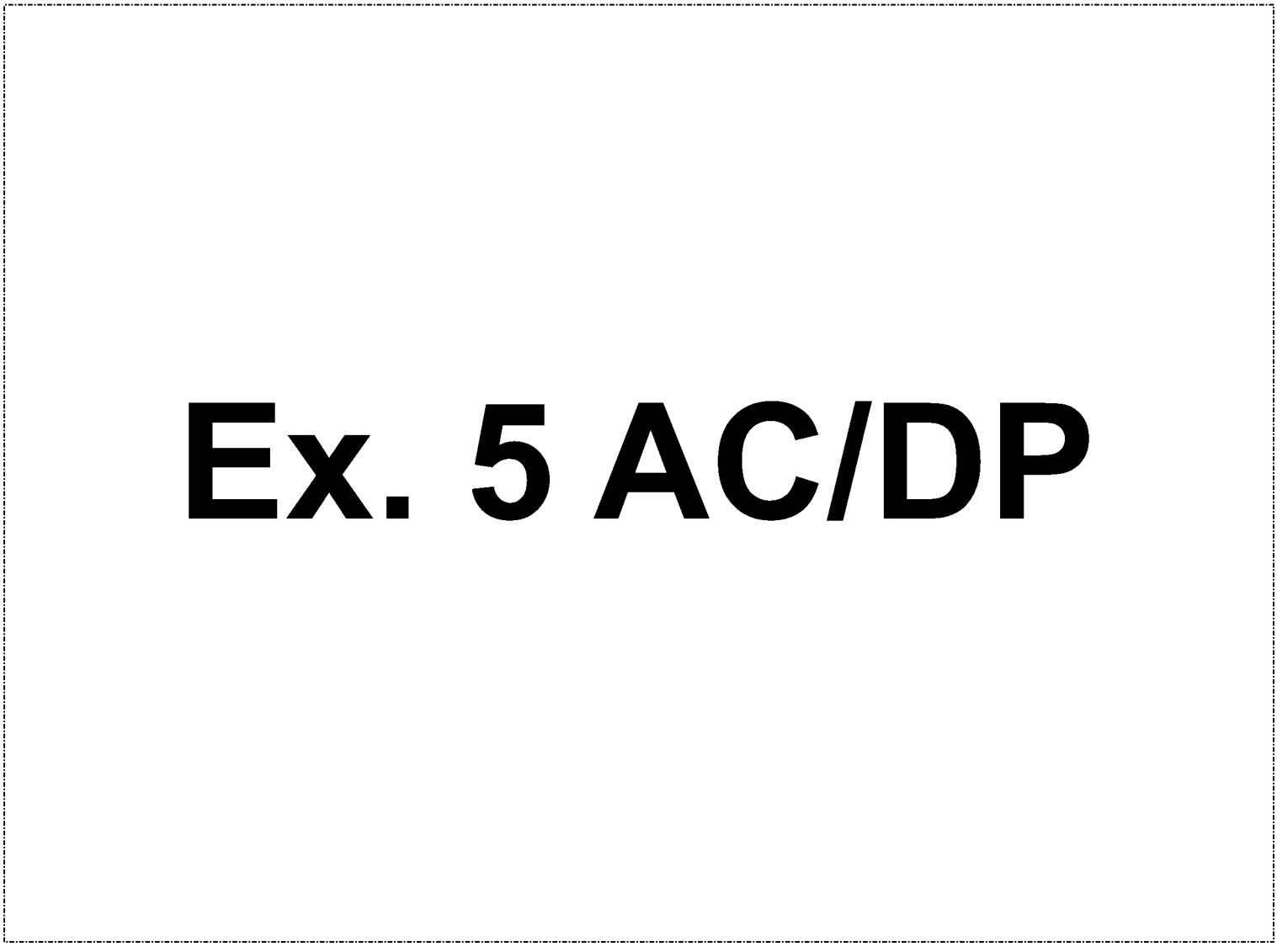
From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Sunday, April 28, 2024 12:59 PM
To: Doster, Brian <Doster.Brian@epa.gov>; McNerney, Matthew <McNerney.Matthew@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: ISO confirmation on some PSD points

CUI//PRIVILEGE

BD and M2:

Hi. I am trying to dig back into SSM issues.



Ex. 5 AC/DP

G

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Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 4/30/2024 9:09:13 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: SSM Decision - Director's Discretion Provisions
Attachments: SSM_Opinion.pdf

CUI//PRIVILEGE

Hi Abi and Emily,

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

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Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 5/1/2024 1:32:09 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Detroit Ozone Litigation - Amicus Curiae Briefs in Support of EPA
Attachments: Brief of Amicus Curiae - Mich Manufacturers Association - Supporting EPA.pdf; Brief of Amicus Curiae - Midwest Ozone Group - Supporting EPA.pdf

FYI – Eaton sent along amicus briefs that were filed in support of EPA in the Detroit litigation.

From: Weiler, Eaton <weiler.eaton@epa.gov>
Sent: Wednesday, May 1, 2024 9:27 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Chabria, Monesh (he/him/his) <chabria.monesh@epa.gov>
Subject: Detroit Ozone Litigation - Amicus Curiae Briefs in Support of EPA

Kaytrue and Eric,

In case you hadn't already been alerted, attached are a couple briefs filed yesterday in support of EPA. The MMA brief focuses on the legal arguments, and the Midwest Ozone Group focuses on the technical aspects.

-- Eaton

Message

From: Boydston, Michael [Boydston.Michael@epa.gov]
Sent: 5/1/2024 4:54:20 PM
To: Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Volk, Everett [volk.everett@epa.gov]
Subject: RE: PLEASE REVIEW: Briefing Paper for Scott M - Ozone RFP/ROP SIP
Attachments: 2024-05-01_Utah RFP_OAR_briefing.docx

Hi OGC friends –

Ex. 5 AC/DP

Thank you for all of your help. I expect that we'll be discussing these issues much more.

Michael Boydston
Senior Assistant Regional Counsel
EPA Region 8
303.312.7103
he / him

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Monday, April 29, 2024 7:21 AM
To: Brimmer, Amanda (she/her/hers) <Brimmer.Amanda@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>
Cc: Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Salem, Nevine <Salem.Nevine@epa.gov>; Paige, Carrie <Paige.Carrie@epa.gov>; Oconnor, Karina (she/her/hers) <OConnor.Karina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Magee, Melanie <Magee.Melanie@epa.gov>; Wickersham, Lindsay (she/her/hers) <wickersham.lindsay@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Graham, AshleyR (she/her/hers) <Graham.AshleyR@epa.gov>; James, Corin <James.Corin01@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Lohrke, Gregory <lohrke.gregory@epa.gov>
Subject: RE: PLEASE REVIEW: Briefing Paper for Scott M - Ozone RFP/ROP SIP

Good morning Region 8,

Ex. 5 AC/DP

Ex. 5 AC/DP

Please let us know when these options are revised and fleshed out in the paper so that we can continue our review.

Thank you,
Karen

From: Brimmer, Amanda (she/her/hers) <Brimmer.Amanda@epa.gov>
Sent: Wednesday, April 24, 2024 1:00 PM
To: Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Salem, Nevine <Salem.Nevine@epa.gov>; Paige, Carrie <Paige.Carrie@epa.gov>; Oconnor, Karina (she/her/hers) <OConnor.Karina@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Magee, Melanie <Magee.Melanie@epa.gov>; Wickersham, Lindsay (she/her/hers) <wickersham.lindsay@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Graham, AshleyR (she/her/hers) <Graham.AshleyR@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; James, Corin <James.Corin01@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Cc: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Jackson, Scott <Jackson.Scott@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Lohrke, Gregory <lohrke.gregory@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: PLEASE REVIEW: Briefing Paper for Scott M - Ozone RFP/ROP SIP
Importance: High

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

2024-03-19_Utah RFP_OAR_briefing_draft_ab.docx

Good morning/afternoon,

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks so much for everyone's help and support. Please reach out with any questions.
~A

Amanda Brimmer (she/her), Environmental Engineer
Staff Lead – Utah Ozone NAAQS/Emissions Inventories
U.S. EPA Region 8 | Air & Radiation Division
(303) 312-6323 | brimmer.amanda@epa.gov

Message

From: Brimmer, Amanda (she/her/hers) [Brimmer.Amanda@epa.gov]
Sent: 5/1/2024 5:13:14 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; James, Corin [James.Corin01@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Sandoval, Adrienne [Sandoval.Adrienne@epa.gov]; Jackson, Scott [Jackson.Scott@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]; Oconnor, Karina (she/her/hers) [OConnor.Karina@epa.gov]; Lee, Anita (she/her/hers) [Lee.Anita@epa.gov]; Perez, Idalia (she/her/hers) [Perez.Idalia@epa.gov]
CC: Paige, Carrie [Paige.Carrie@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Sargeant, Kathryn (she/her/hers) [sargeant.kathryn@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: Pre-brief Utah ROP 2015 Ozone
Attachments: 2024-05-01_Utah RFP_OAR_briefing.docx

Importance: High

For today's discussion, attached is the most current version of R8's briefing paper on Alternative Options for Utah to Meet Moderate RFP for Ozone.

~Amanda

Amanda Brimmer (she/her), Environmental Engineer
Staff Lead – Utah Ozone NAAQS/Emissions Inventories
U.S. EPA Region 8 | Air & Radiation Division
(303) 312-6323 | brimmer.amanda@epa.gov

-----Original Appointment-----
From: Mathias, Scott <Mathias.Scott@epa.gov>
Sent: Tuesday, April 30, 2024 2:37 PM
To: Mathias, Scott; Mathias, Scott; Srinivasan, Gautam; Vijayan, Abi; Bianco, Karen; Mills, Derek; James, Corin; Mataway-Novak, Dylan (he/him/his); Lingard, Robert (he/him/his); Ling, Michael; Oggeri, Francis (he/him/his); Lowder, Erin (she/her/hers); Brachtl, Megan; Sandoval, Adrienne; Jackson, Scott; Brimmer, Amanda (she/her/hers); Donaldson, Guy; Magee, Melanie; Oconnor, Karina (she/her/hers); Lee, Anita (she/her/hers); Perez, Idalia (she/her/hers)
Cc: Paige, Carrie; Patulski, Meg; Kapichak, Rudolph; Berry, Laura; Sargeant, Kathryn (she/her/hers); Boydston, Michael; Williams, Melina; Smith, Isabella
Subject: Pre-brief Utah ROP 2015 Ozone
When: Wednesday, May 1, 2024 2:00 PM-2:45 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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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: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 5/1/2024 6:20:54 PM
To: Vetter, Cheryl [Vetter.Cheryl@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lawrence, Sydney [lawrence.sydney@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]
Subject: follow up on title V petition order
Attachments: pirkey_response2014.pdf

CUI//PRIVILEGE

OAQPS Friends:

Ex. 5 AC/DP

Thoughts?

G

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Message

From: McKinley, Gobeail [McKinley.Gobeail@epa.gov]
Sent: 5/1/2024 6:40:03 PM
To: 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]
Subject: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hi All,

Thanks for your email Libby. I set up a meeting tomorrow to discuss this topic further.

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: 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,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/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

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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

Ex. 5 AC/DP

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)

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be covered by deliberative privilege. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email and any attachments from your system.

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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/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/DP

Ex. 5 AC/DP

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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Message

From: McKinley, Gobeail [McKinley.Gobeail@epa.gov]
Sent: 5/1/2024 6:49:52 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: EEs for monitors w/o exceedance of the NAAQS

Please see if the reschedule time on Monday works.

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: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, May 1, 2024 2:46 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>; Simon, Heather <Simon.Heather@epa.gov>
Subject: RE: EEs for monitors w/o exceedance of the NAAQS

Hi Gobeail,

I'd really like to attend this meeting but have a conflicting meeting that I can't move. I realize calendars are tight, but is there anyway we can reschedule this? Happy to try and move other meetings around if helpful. Thanks!

-----Original Appointment-----
From: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Wednesday, May 1, 2024 2:38 PM
To: Pettit, Elizabeth (Libby); Palma, Elizabeth
Cc: Deabler, Gabrielle; Perez Ortiz, Yasmin; Vijayan, Abi; Simon, Heather
Subject: EEs for monitors w/o exceedance of the NAAQS
When: Thursday, May 2, 2024 12:30 PM-1:00 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.

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,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/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

Ex. 5 AC/DP

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/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/DP

Ex. 5 AC/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: Messing, Aaron [messing.aaron@epa.gov]
Sent: 5/1/2024 8:58:03 PM
To: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: SIP Emissions Credit for FIP Measures
Attachments: CA 1995 FIP unpublished and rescinded.pdf

Ex. 5 AC/DP

From: Messing, Aaron
Sent: Friday, April 26, 2024 10:57 AM
To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: SIP Emissions Credit for FIP Measures

Ex. 5 AC/DP

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, April 26, 2024 10:35 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: SIP Emissions Credit for FIP Measures

Ex. 5 AC/DP

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Wednesday, April 24, 2024 3:00 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: SIP Emissions Credit for FIP Measures

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, April 24, 2024 11:27 AM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: SIP Emissions Credit for FIP Measures

Hi Aaron,

Ex. 5 AC/DP

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

Hi Abi,

Ex. 5 AC/DP

Aaron

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

Ex. 5 AC/DP

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

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

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

Kara:

Ex. 5 AC/DP

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

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 5/2/2024 12:14:51 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: some materials for "SIP strengthening" question
Attachments: AIR decision.pdf; SIP strengthening 84FedReg8.pdf

Importance: High

L and A:

Ex. 5 AC/DP

G

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 5/2/2024 4:06:38 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Leiter, Amanda [Leiter.Amanda@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI
Attachments: FW: Discussion w/CBD Regarding GHG NAAQS Petition

CUI//PRIVILEGE

Hi Susannah and all,

Thanks for this update! I've attached the Oct. 26, 2022 email from Maya at CBD. The second attachment to that email is the April 14, 2021 letter.

If there are any other materials that would be helpful, or if you have any questions, just let us know!

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Thursday, May 2, 2024 9:57 AM
To: Williams, Melina <Williams.Melina@epa.gov>; Leiter, Amanda <Leiter.Amanda@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Hi Melina and all,

Ex. 5 AC/AWP/DP

Thanks!

Susannah

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From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Monday, April 22, 2024 3:25 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Leiter, Amanda <Leiter.Amanda@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Hi all,

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: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, April 10, 2024 11:48 AM
To: Williams, Melina <Williams.Melina@epa.gov>; Leiter, Amanda <Leiter.Amanda@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

I talked to Matt L this morning. Can we put this on reg review for next week?

Thanks!

Controlled by U.S. Environmental Protection Agency

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Tuesday, April 9, 2024 6:14 PM
To: Leiter, Amanda <Leiter.Amanda@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Hi Amanda and Susannah,

The program asked if there were any updates about our outreach on the GHG NAAQS petition. Is there anything to pass on yet?

Thanks,
Melina

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

Controlled by U.S. Environmental Protection Agency

From: Leiter, Amanda <Leiter.Amanda@epa.gov>
Sent: Friday, March 29, 2024 4:25 PM
To: Williams, Melina <Williams.Melina@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Thanks Melina. Let's check in at reg review next week.

Happy weekend, all!

****
Amanda Leiter
Associate Deputy General Counsel, USEPA

Controlled by U.S. Environmental Protection Agency

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Wednesday, March 27, 2024 1:06 PM
To: Leiter, Amanda <Leiter.Amanda@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Just to follow up on the conversation with OAR, let me know if I should try to schedule some separate time to coordinate ahead of reaching out to the folks on the NOI, or alternatively if we should plan to connect at Reg Review next week?

You probably noticed this but I'll point out that the NOI said: "Please direct all communications regarding this matter to Maya Golden-Krasner, Alex Ritchie, Steve Novick, and Joseph Heegaard" and included their email addresses.

Thanks!
Melina

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

Controlled by U.S. Environmental Protection Agency

From: Leiter, Amanda <Leiter.Amanda@epa.gov>
Sent: Tuesday, March 26, 2024 3:50 PM
To: Williams, Melina <Williams.Melina@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Thanks!

****
Amanda Leiter
Associate Deputy General Counsel, USEPA

Controlled by U.S. Environmental Protection Agency

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Tuesday, March 26, 2024 3:42 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Leiter, Amanda <Leiter.Amanda@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Sure – see attached.

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, March 26, 2024 3:34 PM
To: Williams, Melina <Williams.Melina@epa.gov>; Leiter, Amanda <Leiter.Amanda@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Thanks Melina! Can you also send me the NOI?

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From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Tuesday, March 26, 2024 2:50 PM
To: Leiter, Amanda <Leiter.Amanda@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Paper for tomorrow's meeting on the GHG NAAQS NOI

CUI//PRIVILEGE

Hi Amanda and Susannah,

Following up on our conversation at reg review, here's the paper that was sent to OAR for tomorrow's meeting at 12:15 on the GHG NAAQS NOI. We're asking that you both be added to the invite, so hopefully it will come through soon.

Please let us know if you have any questions or concerns in the interim.

Thanks,
Melina

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

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 5/4/2024 1:19:07 AM
To: Donaldson, Guy [Donaldson.Guy@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Shar, Alan [shar.alan@epa.gov]
CC: Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: per your request on "SIP strengthening" question
Attachments: AIR decision.pdf; SIP strengthening 84FedReg8.pdf

Importance: High

CUI//PRIVILEGE

R6 Friends:

Here are the FRN and 9th Circuit decision we discussed a little bit yesterday.

We were also checking around ARLO to see what other examples there have been, to see what parameters the agency has been using.

Again, this may not be a good fit, but something to consider.

G

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Appointment

From: McKinley, Gobeail [McKinley.Gobeail@epa.gov]
Sent: 5/6/2024 1:29:56 PM
To: 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: Tentative

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

---

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.

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,

Ex. 5 AC/DP

Ex. 5 AC/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

Ex. 5 AC/DP

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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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/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,

Ex. 5 AC/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: US Environmental Protection Agency [noreply-subscriptions@epa.gov]
Sent: 5/6/2024 6:00:28 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: OGC Notice of New Litigation

Notice of New Litigation

Office of General Counsel
U.S. Environmental Protection Agency

US EPA Notice of New Litigation

RE: Notice of Lawsuit Filed Against EPA - *Commonwealth of Kentucky, et al. v. EPA*, No. 24-1087 (D.C. Cir.)

The U.S. Environmental Protection Agency has received a petition for review in the above-captioned case that may be of interest to you. This information is provided for your information only, and this notice does not require you to take any action.

A copy of this can be found here: https://www.epa.gov/system/files/documents/2024-04/24-1087_docketentry_04-18-2024__0.pdf

###

To view other complaints and filings, please visit: https://www.epa.gov/ogc

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If you would rather not receive future communications from US EPA, let us know by clicking here.
US EPA, Office of General Counsel 1200 Pennsylvania Ave NW, Washington, DC 20460 United States

Message

From: Thrift, Mike [thrift.mike@epa.gov]
Sent: 5/6/2024 10:27:01 PM
To: Hughes, Krista [hughes.krista@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
Subject: RE: CAA "Review and Revise" Provisions

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hughes, Krista <hughes.krista@epa.gov>
Sent: Monday, May 6, 2024 2:48 PM
To: Orlin, David <Orlin.David@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Krista Hughes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
202-564-4227
Hughes.Krista@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, May 6, 2024 5:38 PM

To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Hughes, Krista <hughes.krista@epa.gov>
Subject: FW: CAA "Review and Revise" Provisions

Ex. 5 AC/AWP/DP

DENVER-#810475-v4-Plan_15_petition_response - EPA Edits Round Two.docx

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

From: Hughes, Krista <hughes.krista@epa.gov>
Sent: Monday, May 6, 2024 2:40 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Thank you so much, David! I'll tag you in it now.

Krista Hughes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
202-564-4227
Hughes.Krista@epa.gov

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, May 6, 2024 2:37 PM
To: Hughes, Krista <hughes.krista@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Hi Krista,

I don't know who the right person specifically is but I am probably one of the right people if you want to send it to me.

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

From: Hughes, Krista <hughes.krista@epa.gov>
Sent: Monday, May 6, 2024 2:33 PM
To: Orlin, David <Orlin.David@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Hi David,

Ex. 5 AC/AWP/DP

Thank you!
Krista

Krista Hughes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
202-564-4227
Hughes.Krista@epa.gov

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, April 4, 2024 4:12 PM
To: Hughes, Krista <hughes.krista@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Hi Krista,

Ex. 5 AC/AWP/DP

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

From: Hughes, Krista <hughes.krista@epa.gov>
Sent: Thursday, April 4, 2024 4:03 PM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Hi All,

Ex. 5 AC/AWP/DP

Sorry for such a broad question but I'd appreciate any information that comes to mind.

Thank you,
Krista

Krista Hughes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
202-564-4227
Hughes.Krista@epa.gov

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Friday, October 16, 2020 10:34 AM
To: Orlin, David <Orlin.David@epa.gov>; Hughes, Krista <hughes.krista@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Ex. 5 AC/AWP/DP

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
E: marks.matthew@epa.gov

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, October 16, 2020 10:01 AM
To: Hughes, Krista <hughes.krista@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Sorry Krista!

Ex. 5 AC/AWP/DP

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Hughes, Krista <hughes.krista@epa.gov>
Sent: Friday, October 16, 2020 9:57 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: CAA "Review and Revise" Provisions

Hi All,

Ex. 5 AC/AWP/DP

I'm happy to discuss if you have any questions.

Thank you!
Krista

Krista Hughes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
202-564-4227
Hughes.Krista@epa.gov

From: Hughes, Krista
Sent: Wednesday, October 14, 2020 9:18 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: CAA "Review and Revise" Provisions

Hi All,

Ex. 5 AC/AWP/DP

Matt suggested that you are the appropriate people to contact for these CAA sections, but please let me know if there is someone else I should contact.

Thank you all very much for any information you have!
Krista

Krista Hughes
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
202-564-4227
Hughes.Krista@epa.gov

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 5/7/2024 9:40:00 PM
To: Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Shar, Alan [shar.alan@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: per your request on "SIP strengthening" question
Attachments: AIR decision.pdf; SIP strengthening 84FedReg8.pdf

Importance: High

CUI//PRIVILEGE

R6 Friends:

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey
Sent: Friday, May 3, 2024 9:19 PM
To: Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Shar, Alan <shar.alan@epa.gov>
Cc: Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: per your request on "SIP strengthening" question
Importance: High

R6 Friends:

Here are the FRN and 9th Circuit decision we discussed a little bit yesterday.

We were also checking around ARLO to see what other examples there have been, to see what parameters the agency has been using.

Again, this may not be a good fit, but something to consider.

G

Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 5/9/2024 5:02:48 PM
To: Hall, Kristin [Hall.Kristin@epa.gov]; Sofka, Gwyndolyn (she/her/hers) [Sofka.Gwyndolyn@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Svingen, Eric [Svingen.Eric@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 (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]; Bender, Alexis [Bender.Alexis@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]; 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]; 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]; 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 - agenda attached
Attachments: 2024_May_9-Transport Call Agenda.docx
Location: Microsoft Teams Meeting

Start: 5/9/2024 6:00:00 PM
End: 5/9/2024 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; Sofka, Gwyndolyn; Schmitt, Ellen (she/her/hers); Svingen, Eric; 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; Bender, Alexis; 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; 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); Bloemer, Matthew; Stephens, Ryan; Dru, Jacobine (she/her/hers); Leith, Andrew; Meyer, Jonathan; Rutherford, Robert; Lillis, Patrick; Fradkin, Kenneth; Kosin, Michele

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

Please let me know if there are any additional agenda items for today's call.

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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Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 5/9/2024 8:57:57 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: venue and AQPD
Attachments: Order following Oral Argument in West Virginia v. EPA (Good Neighbor SIP Disapproval venue/stay); Summary of Oral Argument last Friday in West Virginia v. EPA (Good Neighbor SIP Disapproval venue/stay)

Hi Gautam and Matt,

Not particularly urgent, but wanted to send a note before I forget.

Ex. 5 AC/AWP/DP

Emily

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: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
Sent: 5/9/2024 9:02:04 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: RE: [EXTERNAL] RE: Detroit 6th Circuit Challenge
Attachments: MMA Amicus Brief.pdf; API Amicus Brief.pdf; Midwest Ozone Group Amicus 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 Eric,

I have attached the three amicus briefs that groups have moved for leave to file in support of EPA's petition. We do not respond to these briefs, but it is helpful to take a look when we prepare for argument.

I hope you all have a good weekend,

Heather

From: Gange, Heather (ENRD)
Sent: Thursday, April 25, 2024 11:55 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: Re: [EXTERNAL] RE: Detroit 6th Circuit Challenge

Hi Eric,

Ex. 5 AC/AWP

Heather

Sent from my iPhone

On Apr 24, 2024, at 3:57 PM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

Hi Heather –

Thanks for circulating, and thanks especially for your ongoing work on this.

I'm thinking ahead to timeline and workload, and I wonder if you could share any insights on two questions –

Ex. 5 AC/AWP

Thanks!

Eric

From: Gange, Heather (ENRD) <Heather.Gange@usdoj.gov>
Sent: Wednesday, April 24, 2024 11:53 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Detroit 6th Circuit Challenge

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

Hi everyone,

Here is an as-filed copy of our brief that was filed last night. Thank you all again for your help.

Best regards,

Heather

Sent from my iPhone

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 5/9/2024 9:47:26 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: FW: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)
Attachments: RE: EE question

CUI//PRIVILEGE

Ex. 5 AC/DP

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: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, May 9, 2024 5:40 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, May 9, 2024 5:24 PM
To: Seidman, Emily <seidman.emily@epa.gov>
Subject: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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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: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Thursday, May 9, 2024 5:09 PM
To: 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: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hi,

Ex. 5 AC/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

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From: McKinley, Gobeail
Sent: Wednesday, May 1, 2024 2:40 PM
To: 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>
Subject: RE: Maryland EE Question (cont.)

Hi All,

Thanks for your email Libby. I set up a meeting tomorrow to discuss this topic further.

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: 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,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/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

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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

Ex. 5 AC/DP

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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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/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

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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/DP

Ex. 5 AC/DP

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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Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 5/9/2024 9:54:21 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, May 9, 2024 5:51 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, May 9, 2024 5:47 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FW: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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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: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, May 9, 2024 5:40 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, May 9, 2024 5:24 PM
To: Seidman, Emily <seidman.emily@epa.gov>
Subject: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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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: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Thursday, May 9, 2024 5:09 PM
To: 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: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hi,

Ex. 5 AC/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

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From: McKinley, Gobeail
Sent: Wednesday, May 1, 2024 2:40 PM
To: 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>
Subject: RE: Maryland EE Question (cont.)

Hi All,

Thanks for your email Libby. I set up a meeting tomorrow to discuss this topic further.

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: 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,

Ex. 5 AC/DP

Ex. 5 AC/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

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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

Ex. 5 AC/DP

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
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919.541.5432 (work)
984.209.2717 (EPA cell)

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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/DP

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

Thanks,

Gobeail McKinley
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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

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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/DP

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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Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 5/13/2024 1:14:25 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: Louisville redesignation -- Detroit deja vu

Ex. 5 AC/AWP/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, May 13, 2024 8:54 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Louisville redesignation -- Detroit deja vu

Thanks! I have my weekly with Gautam this morning at 10:30, so will flag for him. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Thursday, May 9, 2024 1:00 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Louisville redesignation -- Detroit deja vu

Ex. 5 AC/AWP/DP

Kaytrue

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, May 9, 2024 12:55 PM

To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Louisville redesignation -- Detroit deja vu

Hi Kaytrue,

Thanks for this helpful and thorough explanation of the issue! C Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Thursday, May 9, 2024 12:40 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Louisville redesignation -- Detroit deja vu

Hi Abi,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Kaytrue

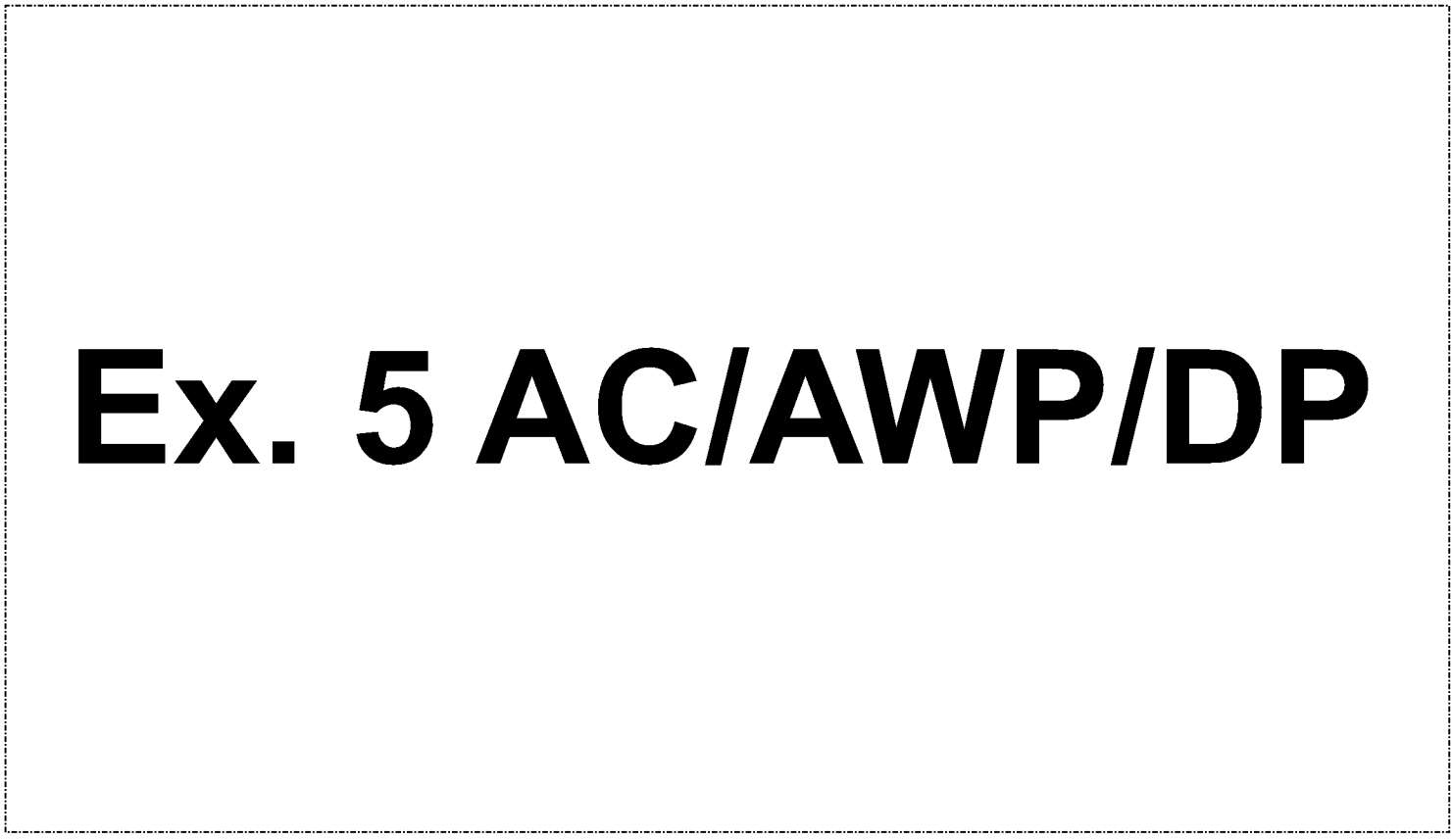
From: Ting, Kaytrue
Sent: Thursday, March 21, 2024 5:37 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: 2015 O3 | Louisville redesignation and DAAD

CUI//PRIVILEGE

Thanks for pulling this together Bob, and for laying it out so clearly. The chain of events and your bullets summarizing the situation seem right on to me. To turn to your questions:

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP



Happy to chat further next week!

Kaytrue

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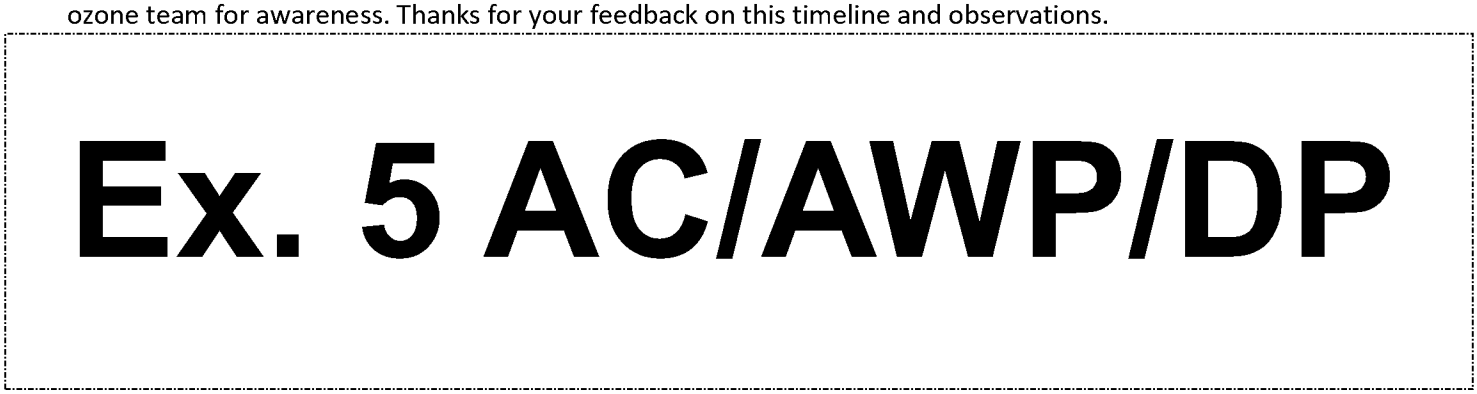
From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Thursday, March 21, 2024 4:09 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: 2015 O3 | Louisville redesignation and DAAD
Importance: High

Hello Kaytrue –

Before I head out for the weekend, I wanted to (try to) clarify in my jumbly mind what's going on with the Louisville redesignation and DAAD. The regular monthly check-in with R4 APMs is next Thu 3/28, so I'm looping in Dylan and our ozone team for awareness. Thanks for your feedback on this timeline and observations.



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

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: ecfnoticing@cadc.uscourts.gov [ecfnoticing@cadc.uscourts.gov]
Sent: 5/13/2024 3:18:05 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 19-1140 American Lung Association, et al v. EPA, et al "Report Filed" (EPA-84FR32520)

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 05/13/2024 at 11:18:04 AM Eastern Daylight Time and filed on 05/13/2024

Case Name:	American Lung Association, et al v. EPA, et al
Case Number:	19-1140
Document(s):	Document(s)

Docket Text:
REPORT [2053996] filed by EPA, Jane Nishida and Andrew Wheeler in 19-1140, EPA in 19-1165, 19-1166, 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185, 19-1186, 19-1187, 19-1188 abeyance status [Service Date: 05/13/2024] [19-1140, 19-1165, 19-1166, 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185, 19-1186, 19-1187, 19-1188] (McCusker, Caitlin)

Notice will be electronically mailed to:

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