Message

From: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]
Sent: 8/29/2024 10:34:29 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)
Attachments: ENV_DEFENSE-#1243655-v3-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper_&_Ohio.DOCX

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All,

Ex. 5 AC/AWP/DP

Thanks again for your fast and coordinated efforts on this.

Perry

Perry M. Rosen
Senior Attorney
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perry.rosen@usdoj.gov

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, August 28, 2024 7:29 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Perry,

Ex. 5 AC/AWP/DP

Again, ORC has reviewed but I haven't had a chance to connect with them – if they'd like to add any overarching comments they should of course feel free to weigh in here!

Please let us know if you'd like to discuss any of the comments and the proposed **Ex. 5 AC/AWP/DP** otherwise we'll look forward to receiving the next draft from you tomorrow for front office review. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, August 27, 2024 6:14 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Abi and Hali,

Enclosed is the draft letter brief on Loper and Ohio. It is right at the limit of 10 pages. Please note that I am still working on cleaning up cites but that should not interfere with your review. Given the tight time frame we are working on, I would like to get your collective comments by tomorrow night or, if that will not work, by Noon on Thursday, so that I can address them and then get it to Matt Littleton for his review. The same time I send it to Matt I will send it to you, so you can forward the revised draft to your front office. To move things along, if there are any points or issues you want to discuss, I am available all day tomorrow.

Perry

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, August 26, 2024 1:35 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

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Thanks Perry, safe to assume that our FO can review at the same time as DAAG Matt Littleton? When are you expecting Matt to turn around comments to you by? I am just trying to pin down when the EPA FO's review should happen so I can relay as much at a standing meeting we have with them here tomorrow. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 26, 2024 11:48 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Abi, we are looking to get the draft DAAG Matt Littleton by COB on Thursday.

Perry

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Suite 2.900
Washington, DC 20002

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, August 26, 2024 11:20 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

Could you please let us know what you're thinking for a review schedule/timeline as well? Our front office is interested in reviewing this one so we'll need to provide them with the estimated review timeline. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 26, 2024 11:13 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hali,

Barring unforeseen circumstances, I should be able to get you a draft by the end of the day tomorrow.

Perry

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Washington, DC 20002

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, August 26, 2024 11:11 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

I hope you had a nice weekend. We are just wondering about the schedule here. Some of us will be out of the office at the end of this week for the long weekend (e.g., I will be out Thursday afternoon through Monday) and we want to make sure we have plenty of time to get this ready for filing next Tuesday.

Thanks so much!
Hail

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, August 22, 2024 2:56 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Thanks Hali **Ex. 5 AC/AWP/DP**

Perry

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, August 22, 2024 11:16 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Thanks Perry. We will look out for an estimated timeline for a draft.

Ex. 5 AC/AWP/DP

Thanks again,
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: Wednesday, August 21, 2024 4:23 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike

<thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Hali,

Yes, we are sticking with the 9/3 deadline for now. I will get you the draft next week. Hopefully by Monday I will have a better estimate of when during the week I will get you the draft. **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

Perry

Perry M. Rosen
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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, August 21, 2024 3:32 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

We've had the chance to briefly touch base with our management in OGC about this, and are wondering what you think about timeline here. Does 9/3 work for you as a due date on this letter brief?

Ex. 5 AC/AWP/DP

Happy to discuss! Thanks!
Hali

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

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From: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Sent: Tuesday, August 20, 2024 11:21 AM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: RE: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

And Ohio v. EPA as well.

From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Tuesday, August 20, 2024 10:20 AM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD)

<Perry.Rosen@usdoj.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: RE: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

Brooke found the link! Attached PDF of the order requesting letter briefings on significance of Loper Bright decision.

Aaron H. Vargas

From: Vargas, Aaron
Sent: Tuesday, August 20, 2024 10:15 AM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: FW: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

FYI… letter briefing requested…? Will send the document when Lexis Nexis actually works.

Aaron H. Vargas

From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Tuesday, August 20, 2024 10:12 AM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

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Alerts

New activity occurred in docket

SO2 Big 3 Nonattainment Designation

Track Details

Information requested by: Aaron Vargas

Client ID: -None-

Monitor: Everything

Delivery: Hourly

Description: No description available

Note: No note available

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Message

From: Weaver, Susannah [Weaver.Susannah@epa.gov]
Sent: 8/30/2024 5:19:05 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: For review: draft 5th Cir brief on effect of Loper Bright on SO2 designations case
Attachments: ENV_DEFENSE-#1243655-v3-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper__OhioSW.DOCX

CUI//PRIVILEGE

Hi Abi,

Thanks for sharing and for all of your and the team's work on this. I've included some comments in the attached draft. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks,
Susannah

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, August 29, 2024 10:47 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: For review: draft 5th Cir brief on effect of Loper Bright on SO2 designations case

Hi Susannah,

Please find attached the draft letter brief in response to the 5th Circuit's directive to address what significance, if any, *Loper Bright* and *Ohio v. EPA* have on Luminant's petition for rehearing en banc over the court's upholding EPA's SO2 nonattainment area designations in Texas. The draft is concurrently being reviewed by Matt Littleton. The prior version of the draft brief was in relatively good shape, and the ARLO team will review this version as well.

As noted at Reg Review, this is unfortunately on an incredible compressed timeframe, and DOJ is asking for both EPA and DOJ front office review by COB tomorrow. Please let us know if you have comments and/or would like to discuss tomorrow, thank you!

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

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(no emphasis on either syllable, cadence like and rhymes with "cubby")

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Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 8/30/2024 6:16:59 PM
To: Keas, Ashley [keas.ashley@epa.gov]; Avey, Lance [Avey.Lance@epa.gov]; Vit, Wendy (she/her/hers) [Vit.Wendy@epa.gov]; Meyer, Jonathan [Meyer.Jonathan@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]; Pettit, Elizabeth (Libby) [pettit.elizabetha@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: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23
Attachments: MO-468 New Madrid SO2 1hr Attainment SIP NPRM_HQ.docx; MO-468 New Madrid SO2 TSD_HQ.docx

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Hi everyone,

Thank you for the opportunity to review this action. Please find the attached HQ review of the notice and the TSD. Our complete edits and comments can be found throughout the notice, but would like to highlight the following issues:

Ex. 5 AC/DP

If you all wouldn't mind setting up a call with us at your earliest convenience to discuss some of these things that would be very much appreciated. We will need another review of this action as well.

Thanks so much and hope you all have a good holiday weekend.

Kindest regards,
Alina

Angelina Brashear
U.S. Environmental Protection Agency
State & Local Programs Group – Air Quality Planning Division
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From: Keas, Ashley <keas.ashley@epa.gov>
Sent: Wednesday, August 14, 2024 5:32 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Avey, Lance <Avey.Lance@epa.gov>; Vit, Wendy (she/her/hers) <Vit.Wendy@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@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: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23

Hi Alina, Lance added a link in the portal submittal comments section that includes the region's TSD and state submittal/attachments – let me know if that link doesn't work and I can work on permissions. Pasted again below for easy reference.

Region Comments: The NPRM is provided in the "Link to files". Additionally the TSD and state submittal is provided here: Docket Items Please reach out to Region 7 with questions. Thank you!

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, August 14, 2024 4:26 PM
To: Avey, Lance <Avey.Lance@epa.gov>; Vit, Wendy (she/her/hers) <Vit.Wendy@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@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: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23

Hi all,

The NPRM mentions an EPA TSD for the attainment modeling demonstration. Did you all provide the TSD? If not, can we get it?

Thank you,
Alina

From: Avey, Lance <Avey.Lance@epa.gov>
Sent: Thursday, August 8, 2024 3:15 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vit, Wendy (she/her/hers) <Vit.Wendy@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@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: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23

Hi Alina,

Yes, a deadline of 8/30 for review is okay with Region 7.

Thanks
Lance

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Thursday, August 8, 2024 12:46 PM
To: Avey, Lance <Avey.Lance@epa.gov>; Vit, Wendy (she/her/hers) <Vit.Wendy@epa.gov>; Keas, Ashley

<keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@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: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23

Hi all,

Would it be possible to request an extra week to take a look at this? With the new deadline being 8/30? OGC folks are in a training next week.

Thank you and please let me know,
Alina

From: Brashear, Angelina (she/her/hers)
Sent: Thursday, August 8, 2024 11:25 AM
To: Avey, Lance <Avey.Lance@epa.gov>; Vit, Wendy (she/her/hers) <Vit.Wendy@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@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: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23

Hi everyone,

We've received your submission. I'll reach back out once I can confirm an HQ deadline.

Thank you,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Thursday, August 8, 2024 11:10 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>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard Due 2024-08-23

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A new item titled "Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010 1-hour SO2 Standard" has been submitted by Region 07 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Partial Approval and Partial Disapproval of the New Madrid SO2 Nonattainment Area Plan for the 2010

1-hour SO2 Standard
State: MO
Region: 07
Standard: SO2 (2010)
Area: New Madrid County, Missouri
Document Category: AP/MP
Date Submitted to HQ: 2024-08-08
HQ Due Date: 2024-08-23
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: The NPRM is provided in the "Link to files". Additionally the TSD and state submittal is provided here: Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP) Please reach out to Region 7 with questions. Thank you!
Regional Manager(s): Avey, Lance;
Regional Staff Lead(s): Vit, Wendy (she/her/hers); Keas, Ashley;
ORC Staff Lead(s): Meyer, Jonathan;
OAQPS Staff Involved: Brashear, Angelina (she/her/hers);
OGC Staff Involved: Kerr, Hali (she/her/hers);
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: 9/3/2024 10:28:04 PM
To: Brown, Lucy E. (ENRD) [lucy.e.brown@usdoj.gov]; Mills, Derek [Mills.Derek@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]
Subject: RE: CBD v. EPA - OA Prep
Attachments: CBD v. EPA - OA Prep - challenging questions.docx

CUI//PRIVILEGE

Hi Lucy,

Attached is our Q&A document that incorporates your questions and adds some of our own. We left in a handful of comment bubbles as well so that you could see our back and forth to the extent that it's helpful.

Please let us know if you have follow up questions and/or if it would be helpful to talk through any sections of the document.

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: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Tuesday, August 27, 2024 3:57 PM
To: Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

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Hi Derek,

Thanks for organizing. We can set one deadline for efficiency's sake. I am turning (almost) all my focus to prepping for this argument next week. Can we say COB next Tuesday for everything?

Lucy

From: Mills, Derek <Mills.Derek@epa.gov>
Sent: Tuesday, August 27, 2024 9:28 AM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan,

Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: [EXTERNAL] RE: CBD v. EPA - OA Prep

Hi Lucy,

Thanks for your questions. I think it makes sense to combine efforts here. I just put your questions into a shared EPA doc where we were already working to craft questions for you. There's overlap, so I propose we work in one document to be efficient. If you are OK with that, could we set one deadline for getting you everything? I also think this will help with efficiency instead of having to track multiple deadlines for different pieces. Would next week work for everything? Or is there a particular need for the questions earlier? We could set one deadline, but I could give you a preview snapshot doc earlier if helpful. Let me know what you think. I'm trying to streamline this effort but want to make sure to provide what you need when you need it too. Thanks!

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

From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Monday, August 26, 2024 8:30 PM
To: Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

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Hi All,

To clarify my request for 2-4 challenging questions, I was hoping to receive your questions by Wednesday and your answers by Friday (if possible).

I've also attached some questions that have arisen while I'm getting back up to speed. Written answers would be great, but also happy to talk through these as well. Please try to provide answers by next Wednesday, 9/4.

Thank you,
Lucy

From: Brown, Lucy E. (ENRD)
Sent: Monday, August 26, 2024 7:28 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

Hi Derek,

COB this Wednesday would be great if possible.

Thanks,
Lucy

From: Mills, Derek <Mills.Derek@epa.gov>
Sent: Monday, August 26, 2024 7:15 AM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: [EXTERNAL] RE: CBD v. EPA - OA Prep

Hi Lucy,

We will work on putting together some questions for you. When do you want those?

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

From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Wednesday, August 21, 2024 3:10 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: CBD v. EPA - OA Prep

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Hi All,

I was hoping you could help me identify 2-4 of the most challenging questions you think we'll face from the panel for each of the main issues. I also have a running list of general questions that I need your help answering (mainly background information for me) that I will be sending shortly. I think responding in writing would be helpful, and then maybe we can walk through them on a call.

I scheduled some prep calls with Colorado for September 3 (4-5 pm MT) and 17th (2-3 pm MT). I think it would be good to have as many folks from our team as possible on those calls (and Colorado's client will be on them as well). I will forward the invites.

Thanks,

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

Message

From: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]
Sent: 9/3/2024 10:50:28 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)
Attachments: ENV_DEFENSE-#1259965-v1-Texas_v__EPA_(SO2)_Ltr__Brief_re_Loper_&_Ohio_US.PDF; ENV_DEFENSE-#1259953-v1-Texas_v__EPA_(SO2)_Ltr__Brief_on_En_Banc_Pet_Petitioners.PDF

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Hi All,

Enclosed is Luminant's Letter Brief as well as ours. Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP I have not yet received Sierra Club's brief, so I will send it tomorrow.

Perry

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

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, August 30, 2024 4:11 PM

To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Perry,

Ex. 5 AC/AWP/DP

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, August 29, 2024 6:34 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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All,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks again for your fast and coordinated efforts on this.

Perry

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

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, August 28, 2024 7:29 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf,

Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP/DP

Again, ORC has reviewed but I haven't had a chance to connect with them – if they'd like to add any overarching comments they should of course feel free to weigh in here!

Please let us know if you'd like to discuss any of the comments and the proposed **Ex. 5 AC/AWP/DP** otherwise we'll look forward to receiving the next draft from you tomorrow for front office review. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, August 27, 2024 6:14 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Abi and Hali,

Enclosed is the draft letter brief on Loper and Ohio. It is right at the limit of 10 pages. Please note that I am still working on cleaning up cites but that should not interfere with your review. Given the tight time frame we are working on, I would like to get your collective comments by tomorrow night or, if that will not work, by Noon on Thursday, so that I can address them and then get it to Matt Littleton for his review. The same time I send it to Matt I will send it to you, so you can forward the revised draft to your front office. To move things along, if there are any points or issues you want to discuss, I am available all day tomorrow.

Perry

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

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, August 26, 2024 1:35 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Thanks Perry, safe to assume that our FO can review at the same time as DAAG Matt Littleton? When are you expecting Matt to turn around comments to you by? I am just trying to pin down when the EPA FO's review should happen so I can relay as much at a standing meeting we have with them here tomorrow. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 26, 2024 11:48 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Abi, we are looking to get the draft DAAG Matt Littleton by COB on Thursday.

Perry

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

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Environment Defense Section
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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: Monday, August 26, 2024 11:20 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>

Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

Could you please let us know what you're thinking for a review schedule/timeline as well? Our front office is interested in reviewing this one so we'll need to provide them with the estimated review timeline. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 26, 2024 11:13 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hali,

Barring unforeseen circumstances, I should be able to get you a draft by the end of the day tomorrow.

Perry

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

Washington, DC 20044
202-353-7792
perry.rosen@usdoj.gov

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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, August 26, 2024 11:11 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

I hope you had a nice weekend. We are just wondering about the schedule here. Some of us will be out of the office at the end of this week for the long weekend (e.g., I will be out Thursday afternoon through Monday) and we want to make sure we have plenty of time to get this ready for filing next Tuesday.

Thanks so much!
Hail

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, August 22, 2024 2:56 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Thanks Hali. Ex. 5 AC/AWP/DP

Perry

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

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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, August 22, 2024 11:16 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Thanks Perry. We will look out for an estimated timeline for a draft.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks again,
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: Wednesday, August 21, 2024 4:23 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Hali,

Yes, we are sticking with the 9/3 deadline for now. I will get you the draft next week. Hopefully by Monday I will have a better estimate of when during the week I will get you the draft. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Perry

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

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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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, August 21, 2024 3:32 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

We've had the chance to briefly touch base with our management in OGC about this, and are wondering what you think about timeline here. Does 9/3 work for you as a due date on this letter brief?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Happy to discuss! Thanks!
Hali

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

Controlled by U.S. Environmental Protection Agency

From: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Sent: Tuesday, August 20, 2024 11:21 AM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: RE: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

And Ohio v. EPA as well.

From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Tuesday, August 20, 2024 10:20 AM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: RE: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

Brooke found the link! Attached PDF of the order requesting letter briefings on significance of Loper Bright decision.

Aaron H. Vargas

From: Vargas, Aaron
Sent: Tuesday, August 20, 2024 10:15 AM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: FW: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

FYI... letter briefing requested...? Will send the document when Lexis Nexis actually works.

Aaron H. Vargas

From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Tuesday, August 20, 2024 10:12 AM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

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Alerts

New activity occurred in docket

SO2 Big 3 Nonattainment Designation

Track Details

Information requested by: Aaron Vargas

Client ID: -None-

Monitor: Everything

Delivery: Hourly

Description: No description available

Note: No note available

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Unsubscribe from this alert**. If you have not personally set up this alert, please contact Customer Support to unsubscribe**

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* This is an automated email. Please do not reply to this email address or forward this email.

Appointment

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 9/4/2024 3:54:51 PM
To: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Brown, Lucy E. (ENRD) [lucy.e.brown@usdoj.gov]; Littleton, Matthew (ENRD) [Matthew.Littleton@usdoj.gov]; Maxwell, Gus (ENRD) [Gustavus.Maxwell@usdoj.gov]; Pinkston, Daniel (ENRD) [Daniel.Pinkston@usdoj.gov]
CC: Rogers, Cherie (ENRD) [Cherie.Rogers@usdoj.gov]; Baskett, Jhana L (ENRD) [Jhana.L.Baskett@usdoj.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Berry, Laura [berry.laura@epa.gov]

Subject: Moot Court: Coalition for Biological Diversity v. EPA (10th Cir.) (challenge to partial approval of Denver ozone SIP)
Attachments: DN 010111010783 CBD Corrected Opening Brief.pdf; DN 010110999173 EPA Response Brief.pdf; DN 010111015402 Colorado Response Brief.pdf; DN

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	010111026572 CBD Reply Brief.pdf
Location:	Microsoft Teams Meeting
Start:	9/18/2024 7:00:00 PM
End:	9/18/2024 9:00:00 PM
Show Time As:	Tentative
Recurrence:	(none)

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

---

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

Lucy – please forward to appropriate folks at EPA.

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Message

From: Boydston, Michael [Boydston.Michael@epa.gov]
Sent: 9/4/2024 4:15:53 PM
To: Brown, Lucy E. (ENRD) [lucy.e.brown@usdoj.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Volk, Everett [volk.everett@epa.gov]
Subject: RE: CBD v. EPA - OA Prep
Attachments: CBD oral arg prep - outline of all arguments.docx

CUI//PRIVILEGE

Hi Lucy –

Ex. 5 AC/AWP

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

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From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Wednesday, September 4, 2024 9:46 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

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Thanks, all!

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Tuesday, September 3, 2024 12:28 PM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Mills, Derek <Mills.Derek@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: [EXTERNAL] RE: CBD v. EPA - OA Prep

CUI//PRIVILEGE

Hi Lucy,

Attached is our Q&A document that incorporates your questions and adds some of our own. We left in a handful of comment bubbles as well so that you could see our back and forth to the extent that it's helpful.

Please let us know if you have follow up questions and/or if it would be helpful to talk through any sections of the document.

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: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Tuesday, August 27, 2024 3:57 PM
To: Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

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

Hi Derek,

Thanks for organizing. We can set one deadline for efficiency's sake. I am turning (almost) all my focus to prepping for this argument next week. Can we say COB next Tuesday for everything?

Lucy

From: Mills, Derek <Mills.Derek@epa.gov>
Sent: Tuesday, August 27, 2024 9:28 AM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: [EXTERNAL] RE: CBD v. EPA - OA Prep

Hi Lucy,

Thanks for your questions. I think it makes sense to combine efforts here. I just put your questions into a shared EPA doc where we were already working to craft questions for you. There's overlap, so I propose we work in one document to be efficient. If you are OK with that, could we set one deadline for getting you everything? I also think this will help with efficiency instead of having to track multiple deadlines for different pieces. Would next week work for everything? Or is there a particular need for the questions earlier? We could set one deadline, but I could give you a preview snapshot doc earlier if helpful. Let me know what you think. I'm trying to streamline this effort but want to make sure to provide what you need when you need it too. Thanks!

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

From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Monday, August 26, 2024 8:30 PM
To: Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

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Hi All,

To clarify my request for 2-4 challenging questions, I was hoping to receive your questions by Wednesday and your answers by Friday (if possible).

I've also attached some questions that have arisen while I'm getting back up to speed. Written answers would be great, but also happy to talk through these as well. Please try to provide answers by next Wednesday, 9/4.

Thank you,
Lucy

From: Brown, Lucy E. (ENRD)
Sent: Monday, August 26, 2024 7:28 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby

<Fulton.Abby@epa.gov>
Subject: RE: CBD v. EPA - OA Prep

Hi Derek,

COB this Wednesday would be great if possible.

Thanks,
Lucy

From: Mills, Derek <Mills.Derek@epa.gov>
Sent: Monday, August 26, 2024 7:15 AM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: [EXTERNAL] RE: CBD v. EPA - OA Prep

Hi Lucy,

We will work on putting together some questions for you. When do you want those?

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

From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Wednesday, August 21, 2024 3:10 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>
Subject: CBD v. EPA - OA Prep

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Hi All,

I was hoping you could help me identify 2-4 of the most challenging questions you think we'll face from the panel for each of the main issues. I also have a running list of general questions that I need your help answering (mainly background information for me) that I will be sending shortly. I think responding in writing would be helpful, and then maybe we can walk through them on a call.

I scheduled some prep calls with Colorado for September 3 (4-5 pm MT) and 17th (2-3 pm MT). I think it would be good to have as many folks from our team as possible on those calls (and Colorado's client will be on them as well). I will forward the invites.

Thanks,

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

Message

From: Vargas, Aaron [Vargas.Aaron@epa.gov]
Sent: 9/5/2024 2:47:18 PM
To: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)
Attachments: US_APP_CA5_17_60088_d541250450e160__APPELLANT_S_SUPPLEMENTAL_BRIEF_FILED_by_Luminant_.pdf

CUI//PRIVILEGE

Not sure if everyone saw already, but Luminant resubmitted their letter brief with Texas jointly. Haven't read it yet, so not sure if they made any significant changes, but passing along.

Thanks,

Aaron H. Vargas

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Wednesday, September 4, 2024 8:07 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Enclosed please find Sierra Club's Letter Brief.

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

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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: Rosen, Perry (ENRD)
Sent: Tuesday, September 3, 2024 6:50 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

Hi All,

Enclosed is Luminant's Letter Brief as well as ours. Ex. 5 AC/AWP/DP Ex. 5 AC/AWP/DP I have not yet received Sierra Club's brief, so I will send it tomorrow.

Perry

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

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, August 30, 2024 4:11 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP/DP

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, August 29, 2024 6:34 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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All,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks again for your fast and coordinated efforts on this.

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: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, August 28, 2024 7:29 PM

To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

Ex. 5 AC/AWP/DP

Again, ORC has reviewed but I haven't had a chance to connect with them – if they'd like to add any overarching comments they should of course feel free to weigh in here!

Please let us know if you'd like to discuss any of the comments and the proposed Ex. 5 AC/AWP/DP otherwise we'll look forward to receiving the next draft from you tomorrow for front office review. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Tuesday, August 27, 2024 6:14 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

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Abi and Hali,

Enclosed is the draft letter brief on Loper and Ohio. It is right at the limit of 10 pages. Please note that I am still working on cleaning up cites but that should not interfere with your review. Given the tight time frame we are working on, I would like to get your collective comments by tomorrow night or, if that will not work, by Noon on Thursday, so that I can address them and then get it to Matt Littleton for his review. The same time I send it to Matt I will send it to you, so you can forward the revised draft to your front office. To move things along, if there are any points or issues you want to discuss, I am available all day tomorrow.

Perry

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

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, August 26, 2024 1:35 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Thanks Perry, safe to assume that our FO can review at the same time as DAAG Matt Littleton? When are you expecting Matt to turn around comments to you by? I am just trying to pin down when the EPA FO's review should happen so I can relay as much at a standing meeting we have with them here tomorrow. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 26, 2024 11:48 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

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Hi Abi, we are looking to get the draft DAAG Matt Littleton by COB on Thursday.

Perry

Perry M. Rosen
Senior Attorney
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Environmental Defense Section
P.O. Box 7611
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perry.rosen@usdoj.gov

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Environment Defense Section
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Suite 2.900
Washington, DC 20002

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, August 26, 2024 11:20 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

Could you please let us know what you're thinking for a review schedule/timeline as well? Our front office is interested in reviewing this one so we'll need to provide them with the estimated review timeline. Thanks!

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

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

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From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Monday, August 26, 2024 11:13 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hali,

Barring unforeseen circumstances, I should be able to get you a draft by the end of the day tomorrow.

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice

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perry.rosen@usdoj.gov

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Suite 2.900
Washington, DC 20002

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, August 26, 2024 11:11 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

I hope you had a nice weekend. We are just wondering about the schedule here. Some of us will be out of the office at the end of this week for the long weekend (e.g., I will be out Thursday afternoon through Monday) and we want to make sure we have plenty of time to get this ready for filing next Tuesday.

Thanks so much!
Hail

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, August 22, 2024 2:56 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike

<thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Thanks Hali. **Ex. 5 AC/AWP/DP**

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, DC 20044
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Washington, DC 20002

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, August 22, 2024 11:16 AM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] RE: Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Thanks Perry. We will look out for an estimated timeline for a draft.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks again,
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: Wednesday, August 21, 2024 4:23 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: RE: Filing Requested in Texas v. EPA (SO2 case)

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Hi Hali,

Yes, we are sticking with the 9/3 deadline for now. I will get you the draft next week. Hopefully by Monday I will have a better estimate of when during the week I will get you the draft. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Perry

Perry M. Rosen
Senior Attorney
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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, August 21, 2024 3:32 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Cc: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>
Subject: [EXTERNAL] Filing Requested in Texas v. EPA (SO2 case)

CUI//PRIVILEGE

Hi Perry,

We've had the chance to briefly touch base with our management in OGC about this, and are wondering what you think about timeline here. Does 9/3 work for you as a due date on this letter brief?

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Happy to discuss! Thanks!
Hali

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

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From: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Sent: Tuesday, August 20, 2024 11:21 AM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Subject: RE: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

And Ohio v. EPA as well.

From: Vargas, Aaron <Vargas.Aaron@epa.gov>
Sent: Tuesday, August 20, 2024 10:20 AM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: RE: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

Brooke found the link! Attached PDF of the order requesting letter briefings on significance of Loper Bright decision.

Aaron H. Vargas

From: Vargas, Aaron
Sent: Tuesday, August 20, 2024 10:15 AM
To: Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: FW: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

FYI… letter briefing requested…? Will send the document when Lexis Nexis actually works.

Aaron H. Vargas

From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Tuesday, August 20, 2024 10:12 AM

To: Vargas, Aaron <Vargas.Aaron@epa.gov>
Subject: Updates for Track alert 'SO2 Big 3 Nonattainment Designation'

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Alerts

New activity occurred in docket

SO2 Big 3 Nonattainment Designation

Track Details

Information requested by: Aaron Vargas

Client ID: -None-

Monitor: Everything

Delivery: Hourly

Description: No description available

Note: No note available

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 9/5/2024 5:56:59 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: "best reading" in action - FW: U.S. Sugar v. EPA Opinion (Boiler MACT litigation, case no. 22-1271)
Attachments: LM Opinion expanded summary.docx; ENV_DEFENSE-#1259839-v1-US_Sugar_v__EPA_Opinion Clean.PDF

CUI//PRIVILEGE

Y and C:

Ex. 5 AC/AWP/DP

G

NB Dang it. The court already used my favorite pejorative descriptive word here – incantation – in critiquing an argument. I should have copyrighted that…

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From: May, Lucas <May.Lucas@epa.gov>
Sent: Thursday, September 5, 2024 1:34 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: U.S. Sugar v. EPA Opinion (Boiler MACT litigation, case no. 22-1271)

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thank you,

-Luke

ORAL ARGUMENT INFO:
On Thursday, March 21, 2024, the D.C. Circuit heard the OA for the Boiler MACT litigation. The link to the audio is available here: https://www.youtube.com/watch?v=CufjzVKxCUM

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Luke May (He/Him)
Attorney-Advisor, EPA OGC
Air & Radiation Law Office
Office Location: WJC 7013D

Message

From: Fulton, Abby [Fulton.Abby@epa.gov]
Sent: 9/6/2024 4:20:09 PM
To: Boydston, Michael [Boydston.Michael@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: Lang, Matthew [Lang.Matthew@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Public Comments on Colorado Reporting Proposed Approval/Conditional Approval
Attachments: Public Interest Groups Reporting Requirements Comments vfin.pdf; Ex. 01 - EPA-CO Meeting Invitation.pdf; Ex. 02 - Colorado Answer in CBD Permit Litigation.pdf; Ex. 03 - General Permits Case - CO Answer Brief.pdf; Ex. 04 - Colorado Rebuttal Statement.pdf; Ex. 05 - Bonanza Creek signed Order 24-01087-OAR--AQPD.pdf; Ex. 06 - Signed - DCP Platteville Title V Petition Order 2.27.24_.pdf; Ex. 07 - HighPoint Petition Order.pdf; Ex. 08 - Colorado Storage Tank Presentation.pdf; Ex. 09 - EPA Guidance on SIP Action.pdf; Ex. 10 - Troutman Report.pdf; Ex. 11 - EPA OIG Synthetic Minor Oversight Report.pdf; Ex. 12 - Utah Complaint.pdf; Ex. 13 - Dr. Sahu Report.pdf; Ex. 14 - EPA flare technology report.pdf

Hi All,
I thought you might be interested in seeing the comments we received on the Colorado reporting approval/conditional approval action. We only received this one adverse comment. The rest were supportive or not germane to the action. Here's a quick summary of the adverse comments:

Ex. 5 AC/DP

Abby L. Fulton
Planning & Regulatory Section Supervisor
U.S. EPA, Region 8
(303) 312-6563

From: Ryan Maher <rmaher@biologicaldiversity.org>
Sent: Thursday, September 5, 2024 7:11 PM
To: Fulton, Abby <Fulton.Abby@epa.gov>
Subject: Public comment re Air Plan Approval and Conditional Approval; Colorado; Regulation Numbers 7 and 21 and RACT Requirements for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area

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Dear Ms. Fulton,

Attached please find public comments on the above-referenced proposed rule, which I am submitting on behalf of the Center for Biological Diversity, Public Employees for Environmental Responsibility, Earthjustice, Earthworks, Environmental Integrity Project, and Sierra Club. The exhibits referenced in the comments are also attached. I also submitted the comments and exhibits into the docket via regulations.gov. Please contact me with any questions or concerns.

Thank you,

Ryan Maher

Staff Attorney
Center for Biological Diversity
Environmental Health Program
1411 K Street NW, Suite 1300
Washington, DC 20005
781-325-6303
rmaher@biologicaldiversity.org

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 9/9/2024 7:21:53 PM
To: Gerstenberger, Erika [Gerstenberger.Erika@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Ozone Leftover SIP Elements Policy Docs
Attachments: US_DIS_CAND_3_22cv3309_d447862942e1590_ORDER_by_Judge_Richard_Seeborg_Granting_35_Motion_.pdf; US_DIS_CAND_3_22cv3309_d208587875e1908_MOTION_to_Enforce_Judgment_filed_by_Center_for_Bio.pdf; CBD v. Regan - Opposition to Motion to Enforce CD (ECF 50).pdf; US_DIS_CAND_3_22cv3309_d208587875e1908_MOTION_to_Enforce_Judgment_filed_by_Center_for_Bio.pdf; CBD v. Regan 22-cv-3309 - Order Denying Motion to Enforce.pdf; CBD v. Regan Notice of Appeal.pdf; 2nd Ozone NSIP Round 3 NOI vfin.pdf; 2015_O3_Mod_DAAD_OAQPS_briefing_1-17-24.docx; Draft 2008 Ozone AD Argument_clean.docx; Ozone Attainment Demonstrations OAR decisional briefing 10-21-22.pptx

CUI//PRIVILEGE

Hi Erika,

Ex. 5 AC/DP

Talk soon.

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: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Sent: 9/11/2024 12:30:31 PM
To: Garnett, Desean [Garnett.Desean@epa.gov]; Bushey, Douglas (he/him/his) [bushey.douglas@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Wilson, Adam [wilson.adam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

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Ex. 5 AC/DP

Thanks,
Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers
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From: Garnett, Desean <Garnett.Desean@epa.gov>
Sent: Tuesday, September 10, 2024 5:44 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

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Ex. 5 AC/DP

Desean Garnett
Office of Regional Counsel
U.S. EPA Region 9
(415) 972-3046

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From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Tuesday, September 10, 2024 2:33 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

CUI//PRIVILEGE

Ex. 5 AC/DP

Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, September 9, 2024 6:15 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

CUI//PRIVILEGE

Doug.

Thank you for the heads up about this upcoming meeting.

Ex. 5 AC/DP

G

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From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Monday, September 9, 2024 1:20 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Ex. 5 AC/DP

Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers
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.

From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Monday, September 9, 2024 12:46 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey

<wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Hi Vera,

Ex. 5 AC/DP

Thank you,
Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Monday, July 8, 2024 6:26 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Ex. 5 AC/DP

Adding Geoff for awareness.

Thanks,
Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers

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From: Brent Newell <brentjnewell@outlook.com>
Sent: Wednesday, July 3, 2024 3:47 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Guzman, Martha <Guzman.Martha@epa.gov>; Lakin, Matt (he/him/his) <Lakin.Matthew@epa.gov>; Engelman-

Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>; Segovia, Theresa <Segovia.Theresa@epa.gov>; Ebbert, Laura (she/her/hers) <Ebbert.Laura@epa.gov>; Kristin.Clarke@usdoj.gov; Jennifer.Mathis@usdoj.gov; Chrisine.Stoneman@usdoj.gov; daria.neal@usdoj.gov; catherine@calcleanair.org; Cynthia Pinto-Cabrera <cynthia@calcleanair.org>; nayamin.martinez <nayamin.martinez@ccejn.org>
Subject: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act



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Mr. Goffman,

Good afternoon. Please see the attached letter from the Central Valley Air Quality Coalition and the Central California Environmental Justice Network regarding urgently needed EPA guidance on Clean Air Act section 110(a)(2)(E) and Title VI of the Civil Rights Act. We look forward to your prompt response.

Regards,

Brent Newell
Law Office of Brent J. Newell
245 Kentucky Street, Suite A4
Petaluma, CA 94952
(661) 586-3724

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This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited.

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 9/11/2024 5:29:27 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Maryland Lanes Project Draft Fourth Circuit Brief
Attachments: APPELLATE-#503484-v11-Answering_Brief_.DOCX; Maryland Chapter of the Sierra Club et al. Opening Brief.pdf; District court opinion.pdf

Ex. 5 AC/AWP/DP

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

From: Lundman, Robert (ENRD) <Robert.Lundman@usdoj.gov>
Sent: Wednesday, September 11, 2024 1:05 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Bernie, Andrew (ENRD) <Andrew.M.Bernie@usdoj.gov>
Subject: FW: Maryland Lanes Project Draft Fourth Circuit Brief

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Ex. 5 AC/AWP/DP

Bob

Robert J. Lundman
Deputy Section Chief, Appellate Section
Environment & Natural Resources Division
United States Department of Justice
Office: 202-514-2496 | Cell: 202-353-5896

Message

From: Microsoft Power Apps and Power Automate [microsoft@powerapps.com]
Sent: 9/11/2024 5:49:43 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]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: HQ SIP Portal: Additional Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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

A new item titled "Additional Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area" has been submitted by Region 04 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Additional Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area
State: KY
Region: 04
Standard: SO2 (2010)
Area: Hendesron Webster, Kentucky
Document Category: AP/MP
Date Submitted to HQ: 2024-09-11
HQ Due Date: 2024-09-17
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: **Ex. 5 AC/DP**

Ex. 5 AC/DP

Ex. 5 AC/DP

Regional Manager(s): Huey, Joel; Spann, Jane;
Regional Staff Lead(s): Bradley, Twunjala; Jarvis, Simone (she/her/hers);
ORC Staff Lead(s): Sawyer, Bonnie (she/her/hers);
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Brashear, Angelina (she/her/hers); Hawes, Todd; Tillerson, Clint;
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Walther, Katherine [Walther.Katherine@epa.gov]
Sent: 9/11/2024 6:03:01 PM
To: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17
Attachments: Additional DRAFT EPA Comments - KY Henderson-Webster SO2 Attainment Demonstration_ForHQReview.docx

Hi Alina,

I hope you're doing well! I just submitted these through the portal, but wanted to follow-up with an email as well given the timing. Apologies for not getting these to you sooner! Attached (and sent through the portal) are comments that are intended to supplement the comments submitted by Region 4 on September 3, 2024 for 14-day review concluding on September 17, 2024. We understand that the additional comments will not be available for the entirety of the standard 14-day review period but would greatly appreciate any and all feedback you may have, as is possible given the shorter review timeframe. We have a call with Kentucky setup for Wednesday, September 18th to discuss our comments with them and the comment period closes on Friday, September 20th.

Thank you for considering and thank you for your review of the comments sent on September 3rd!

Sincerely,
Katie

From: Walther, Katherine
Sent: Wednesday, September 4, 2024 2:52 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Alina,

Thank you for confirming – much appreciated! Please let us know if at any point you'd like us to set up a call to discuss any of the comments and/or if you need anything additional from us for your review!

Sincerely,
Katie

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, September 4, 2024 2:17 PM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Following up to confirm that HQ can meet the 9/17 review deadline.

From: Brashear, Angelina (she/her/hers)
Sent: Wednesday, September 4, 2024 7:55 AM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi all,

We've received your submission. Once I can confirm the deadline with HQ folks I'll follow back up.

Thank you,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, September 3, 2024 1:12 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>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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A new item titled "Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area" has been submitted by Region 04 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area
State: KY
Region: 04
Standard: SO2 (2010)
Area: Henderson Webster, Kentucky
Document Category: AP/MP
Date Submitted to HQ: 2024-09-03
HQ Due Date: 2024-09-17
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: **Ex. 5 AC/DP**

Ex. 5 AC/DP

Regional Manager(s): Huey, Joel; Spann, Jane;
Regional Staff Lead(s): Bradley, Twunjala; Jarvis, Simone (she/her/hers);
ORC Staff Lead(s): Sawyer, Bonnie (she/her/hers);
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Brashear, Angelina (she/her/hers); Hawes, Todd; Tillerson, Clint;
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 9/11/2024 6:46:12 PM
To: Walther, Katherine [Walther.Katherine@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17
Attachments: HQ SIP Portal: Additional Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Katherine,

I'm responding to the portal entry and to this follow up email here. After emailing with Katherine, I've combined these comments into the HQ document we are working off of and we will still work off of the same deadline. I've let the HQ reviewers know of the additional content.

Kindest regards,
Alina

From: Walther, Katherine <Walther.Katherine@epa.gov>
Sent: Wednesday, September 11, 2024 2:03 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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Katie

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Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Alina,

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Sincerely,
Katie

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Sent: Wednesday, September 4, 2024 2:17 PM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Following up to confirm that HQ can meet the 9/17 review deadline.

From: Brashear, Angelina (she/her/hers)
Sent: Wednesday, September 4, 2024 7:55 AM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi all,

We've received your submission. Once I can confirm the deadline with HQ folks I'll follow back up.

Thank you,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, September 3, 2024 1:12 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>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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A new item titled "Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area" has been submitted by Region 04 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area
State: KY
Region: 04
Standard: SO2 (2010)
Area: Henderson Webster, Kentucky
Document Category: AP/MP
Date Submitted to HQ: 2024-09-03
HQ Due Date: 2024-09-17
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: Ex. 5 AC/DP

Ex. 5 AC/DP

Regional Manager(s): Huey, Joel; Spann, Jane;
Regional Staff Lead(s): Bradley, Twunjala; Jarvis, Simone (she/her/hers);
ORC Staff Lead(s): Sawyer, Bonnie (she/her/hers);
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Brashear, Angelina (she/her/hers); Hawes, Todd; Tillerson, Clint;
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
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.

Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 9/12/2024 3:03:15 PM
To: Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Clark, Adam [Clark.Adam@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]; 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]; 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]; 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]; 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]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Scofield, Steven [Scofield.Steve@epa.gov]; Selbst, Elizabeth [selbst.elizabeth@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Snyder, Erik [snyder.erik@epa.gov]; Sorrels, Larry [Sorrels.Larry@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Stein, Joseph (he/him/his) [stein.joseph@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Stone, William [stone.william@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Talley, David [Talley.David@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Timin, Brian [Timin.Brian@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tonnesen, Gail [Tonnesen.Gail@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Uher, Thomas (he/him/his) [uher.thomas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vit, Wendy (she/her/hers) [Vit.Wendy@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Vargas, Ricardito [vargas.ricardito@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; 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]; Sears, Owen (he/him/his) [Sears.Owen@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; DeLay, Robert [Delay.Robert@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]

Subject: Monthly Transport SIP Workgroup Call - 9/12/2024 agenda attached
Attachments: 2024_Sept-12-Transport Call Agenda.docx
Location: Microsoft Teams Meeting

Start: 9/12/2024 6:00:00 PM
End: 9/12/2024 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: Bradley, Twunjala; Clark, Adam; 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; Castro, Marina (she/her/hers); Chen, Alexander; Chi, John; Christenson, Kara (she/her/hers); Cobb, Brandon; Cohen, Michael; Conrad, Daniel; Creilson, John; D'Agostino, Kathleen; Davidson, Olivia (she/her/hers); Dejong, Holly; Donaldson, Guy; Doolan, Stephanie; Feldman, Michael; Fernandez, Cristina (she/her/hers); Ferreira, Nicholas (he/him/his); Fisher, Brian; Fortin, Kelly; Gallagher, Shirin; Gallegos, Jacob; Garcia, Ariel; Goold, Megan (she/her/hers); Graham, AshleyR (she/her/hers); Greene, Cynthia (she/her/hers); Haeuber, Richard; 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; McConnell, Robert; McHale, Mary; McKinley, Gobeail; McWilliams, Anne K.; Medina, Dayana; Mercado, Edgar; Mocka, Corey; Murray, Beth; Nann, Barbara; Palma, Elizabeth; Parke, Nicolas; Pepple, Karl; Perez, Idalia (she/her/hers); Pitre, Randy; Possiel, Norm (he/him/his); Powers, Garrett (he/him/his); Prentice, Amanda; Rennie, Gary; Rogan, John (he/him/his); Ruan-Lei, Karolina; Rucki, Thomas; Salem, Nevine; Schmitt, Ellen (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Scofield, Steven; Selbst, Elizabeth; Shar, Alan; Smith, Noah; Snyder, Erik; Sorrels, Larry; Spann, Jane; Spenillo, Justin; Stein, Joseph (he/him/his); Stenhouse, Jeb; Stone, William; Svingen, Eric; Talley, David; Thrift, Mike; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Triplett, Eric; Uher, Thomas (he/him/his); Vijayan, Abi; Villatora, Liliana; Vit, Wendy (she/her/hers); Walther, Katherine; Wells, Benjamin; Wieber, Kirk; Wilcox, Geoffrey; Wiley, Adina; Wong, Richard; Hong, Jeanhee; Ruvo, Richard (he/him/his); Vargas, Ricardito; Vaupel, Claudia; Thomas, Ronald; 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 (she/her/hers); Meyer, Jonathan; Rutherford, Robert; Lillis, Patrick; Fradkin, Kenneth; Kosin, Michele
Optional Attendees: Durch, Kyle; Corcoran, Katherine (she/her/hers); Sears, Owen (he/him/his); Snyder, Doug; DeLay, Robert; Martinez, Michael

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

Also, please let me know if you want to add/delete anyone from the invitation list. Feel free to forward this invitation to interested colleagues.

Thanks.
Alison

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

Microsoft Teams meeting

Ex. 6 Personal Privacy (PP)

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

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Message

From: Wilson, Adam [wilson.adam@epa.gov]
Sent: 9/12/2024 7:36:16 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Bushey, Douglas (he/him/his) [bushey.douglas@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: ISO your thoughts on R9 question

CUI//PRIVILEGE

Ex. 5 AC/DP

Adam Wilson
Acting Deputy Director
Office of External Civil Rights Compliance
U.S. Environmental Protection Agency
(202) 564-3357
He/him

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, September 12, 2024 3:31 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

CUI//PRIVILEGE

We'll await Adam's good word, but he was on detail to OEJECR, thus the Kurt reporting to Adam (I'm guessing). Adam's detail is done now, I believe.

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

Controlled by U.S. Environmental Protection Agency

From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Thursday, September 12, 2024 3:27 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

CUI//PRIVILEGE

Ex. 5 AC/DP

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, September 12, 2024 12:15 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

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Ex. 5 AC/DP

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

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From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Thursday, September 12, 2024 2:40 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

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Ex. 5 AC/DP

Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, September 11, 2024 12:47 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Subject: RE: ISO your thoughts on R9 question

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, September 10, 2024 6:10 PM

To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Subject: ISO your thoughts on R9 question
Importance: High

CUI//PRIVILEGE

AV, GS, and AW:

Ex. 5 AC/DP

Thoughts?

G

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From: Garnett, Desean <Garnett.Desean@epa.gov>
Sent: Tuesday, September 10, 2024 5:44 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

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Ex. 5 AC/DP

Desean Garnett
Office of Regional Counsel
U.S. EPA Region 9
(415) 972-3046

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From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Tuesday, September 10, 2024 2:33 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

CUI//PRIVILEGE

Ex. 5 AC/DP

Doug

Douglas Bushey (he/him)
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75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, September 9, 2024 6:15 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

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Doug.

Ex. 5 AC/DP

Ex. 5 AC/DP

G

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From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Monday, September 9, 2024 1:20 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Ex. 5 AC/DP

Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers
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From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Monday, September 9, 2024 12:46 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Hi Vera,

Ex. 5 AC/DP

Thank you,
Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Monday, July 8, 2024 6:26 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Ex. 5 AC/DP

Adding Geoff for awareness.

Thanks,
Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers

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From: Brent Newell <brentjnewell@outlook.com>
Sent: Wednesday, July 3, 2024 3:47 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Guzman, Martha <Guzman.Martha@epa.gov>; Lakin, Matt (he/him/his) <Lakin.Matthew@epa.gov>; Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>; Segovia, Theresa <Segovia.Theresa@epa.gov>; Ebbert, Laura (she/her/hers) <Ebbert.Laura@epa.gov>; Kristin.Clarke@usdoj.gov; Jennifer.Mathis@usdoj.gov; Chrisine.Stoneman@usdoj.gov; daria.neal@usdoj.gov; catherine@calcleanair.org; Cynthia Pinto-Cabrera

<cynthia@calcleanair.org>; nayamin.martinez <nayamin.martinez@ccejn.org>
Subject: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act



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

Mr. Goffman,

Good afternoon. Please see the attached letter from the Central Valley Air Quality Coalition and the Central California Environmental Justice Network regarding urgently needed EPA guidance on Clean Air Act section 110(a)(2)(E) and Title VI of the Civil Rights Act. We look forward to your prompt response.

Regards,

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: Williams, Melina [Williams.Melina@epa.gov]
Sent: 9/12/2024 9:25:40 PM
To: Roemele, Julie [Roemele.Julie@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]
Subject: Short turn chance to review brief to be filed Monday - Maryland Lanes Project Draft Fourth Circuit Brief
Attachments: Maryland Chapter of the Sierra Club et al. Opening Brief.pdf; District court opinion.pdf

Importance: High

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

APPELLATE-#503484-v11-Answering_Brief_ -Beltway expansion .docx

Hi Julie and Tom,

Ex. 5 AC/AWP/DP

If you are able to review by tomorrow afternoon, please let me and Abi know. And if there's anything we can do to aid your review, just let us know!

Thanks,
Melina

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

Message

From: Bushey, Douglas (he/him/his) [bushey.douglas@epa.gov]
Sent: 9/16/2024 4:03:06 PM
To: Engelman-Lado, Marianne (she/her/hers) [EngelmanLado.Marianne@epa.gov]; Wilson, Adam [wilson.adam@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: ISO your thoughts on R9 question

Thank you. I passed this along to Martha at a briefing on Friday.

Best,
Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

From: Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>
Sent: Friday, September 13, 2024 5:44 AM
To: Wilson, Adam <wilson.adam@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: ISO your thoughts on R9 question

Thanks for reading me in. It sounds like there's a pre-brief today and an external meeting on Monday?

I'd be happy to confer with this group and/or touch base with Martha.

Ex. 5 AC/DP

Best,

Marianne

From: Wilson, Adam <wilson.adam@epa.gov>
Sent: Friday, September 13, 2024 8:16 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>
Subject: Re: ISO your thoughts on R9 question

Looping in Marianne.

All the best,
—Adam

On Sep 12, 2024, at 3:36 PM, Wilson, Adam <wilson.adam@epa.gov> wrote:

Ex. 5 AC/DP

Adam Wilson
Acting Deputy Director
Office of External Civil Rights Compliance
U.S. Environmental Protection Agency
(202) 564-3357
He/him

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, September 12, 2024 3:31 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

CUI//PRIVILEGE

We'll await Adam's good word, but he was on detail to OEJECR, thus the Kurt reporting to Adam (I'm guessing). Adam's detail is done now, I believe.

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

Controlled by U.S. Environmental Protection Agency

From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Thursday, September 12, 2024 3:27 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

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Ex. 5 AC/DP

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, September 12, 2024 12:15 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

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Ex. 5 AC/DP

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

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From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Thursday, September 12, 2024 2:40 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: ISO your thoughts on R9 question

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, September 11, 2024 12:47 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Subject: RE: ISO your thoughts on R9 question

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, September 10, 2024 6:10 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Subject: ISO your thoughts on R9 question
Importance: High

CUI//PRIVILEGE

AV, GS, and AW:

Ex. 5 AC/DP

Thoughts?

G

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From: Garnett, Desean <Garnett.Desean@epa.gov>
Sent: Tuesday, September 10, 2024 5:44 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

CUI//PRIVILEGE

Ex. 5 AC/DP

Desean Garnett
Office of Regional Counsel
U.S. EPA Region 9
(415) 972-3046

Controlled by U.S. Environmental Protection Agency

From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Tuesday, September 10, 2024 2:33 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

CUI//PRIVILEGE

Ex. 5 AC/DP

Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, September 9, 2024 6:15 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: follow up on R9 question - FW: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

CUI//PRIVILEGE

Doug.

Thank you for the heads up about this upcoming meeting.

Ex. 5 AC/DP

Ex. 5 AC/DP

G

Controlled by U.S. Environmental Protection Agency

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Monday, September 9, 2024 1:20 PM
To: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Ex. 5 AC/DP

Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers
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From: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>
Sent: Monday, September 9, 2024 12:46 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Hi Vera,

Ex. 5 AC/DP

Thank you,
Doug

Douglas Bushey (he/him)
Attorney Adviser
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
Phone: 415 972-3566
bushey.douglas@epa.gov

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Monday, July 8, 2024 6:26 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>; Lee, Anita (she/her/hers) <Lee.Anita@epa.gov>
Cc: Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act

Ex. 5 AC/DP

Adding Geoff for awareness.

Thanks,
Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers

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From: Brent Newell <brentjnewell@outlook.com>
Sent: Wednesday, July 3, 2024 3:47 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>
Cc: Guzman, Martha <Guzman.Martha@epa.gov>; Lakin, Matt (he/him/his) <Lakin.Matthew@epa.gov>; Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>; Segovia, Theresa <Segovia.Theresa@epa.gov>; Ebbert, Laura (she/her/hers) <Ebbert.Laura@epa.gov>; Kristin.Clarke@usdoj.gov; Jennifer.Mathis@usdoj.gov; Chrisine.Stoneman@usdoj.gov; daria.neal@usdoj.gov; catherine@calcleanair.org; Cynthia Pinto-Cabrera <cynthia@calcleanair.org>; nayamin.martinez <nayamin.martinez@ccejn.org>
Subject: guidance re CAA section 110(a)(2)(E) and Title VI of the Civil Rights Act



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

Mr. Goffman,

Good afternoon. Please see the attached letter from the Central Valley Air Quality Coalition and the Central California Environmental Justice Network regarding urgently needed EPA guidance on Clean Air Act section 110(a)(2)(E) and Title VI of the Civil Rights Act. We look forward to your prompt response.

Regards,

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: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 9/16/2024 8:23:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Talley, David [Talley.David@epa.gov]; O'Shea, Michael [OShea.Michael@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]
CC: Mills, Derek [Mills.Derek@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Lillis, Patrick [Lillis.Patrick@epa.gov]; Finn, Cara (she/her/hers) [Finn.Cara@epa.gov]
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)
Attachments: 22-3026 ruling (PA RACT FIP).pdf; 2024 SIP Training Presentation v2 .pptx; SSM_Opinion.pdf

Hi Dave,

Thanks very much for your patience. Please see the attached presentation and let us know if you have any questions or concerns. I'm also attaching a copy of the two decisions we'll be talking about in case it makes sense to distribute those as well—defer to your judgment. Thanks!

Seth

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, September 13, 2024 4:05 PM
To: Talley, David <Talley.David@epa.gov>; O'Shea, Michael <OShea.Michael@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi Dave,

Very much appreciate your patience and that people have been working hard on the coordination front – we'll take what we can get so Tuesday works for us!

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

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

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From: Talley, David <Talley.David@epa.gov>
Sent: Friday, September 13, 2024 3:50 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; O'Shea, Michael <OShea.Michael@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi Abi-
Mike O'Shea is out today, so I'll respond for R3. Is Tuesday doable? We understand that litigation issues take priority; just trying to give the folks who've worked so hard on this training enough time to do what they need to do to coordinate all of the presentations.

Thanks!
-Dave

David Talley
Acting Chief,
Planning and Implementation Branch
Air and Radiation Division
U.S. EPA Mid-Atlantic Region
215.814.2117
talley.david@epa.gov

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, September 13, 2024 3:34 PM
To: O'Shea, Michael <OShea.Michael@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Talley, David <Talley.David@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi all,

Sorry to come to you again with hat in hand on this, but can we get additional time into next week to complete the slides? The OGC team has unexpected Supreme Court and other litigation issues we've been having to crash through this week, so we could really use a few extra days. Please advise. Thanks!

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

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

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From: O'Shea, Michael <OShea.Michael@epa.gov>
Sent: Wednesday, September 11, 2024 3:33 PM

To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Talley, David <Talley.David@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi Kaytrue,

No worries – please send the ppt directly to Cara Finn when you all are wrapped on Friday 9/13.

Thank you!
Mike

Mike O'Shea, Ph.D.
Ph Planning and Implementation Branch
Ai ivision
US c Region
Ph 64
Email OShea.Michael@epa.gov

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, September 11, 2024 3:19 PM
To: Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; O'Shea, Michael <OShea.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Talley, David <Talley.David@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi R3 friends,

I know you have already been exceedingly generous in giving us the latest date to get our slides to you, but we were wondering if we could get one additional day to work on the slides for the Litigation Updates session. Derek has been embroiled on the stay litigation over oil and gas, Libby's been in training all week, and I have an oral argument tomorrow morning so will be doing that/traveling most of the day tomorrow (should note that Seth has been on top of his section, it's the rest of us that are the problem 😊).

Would it be possible to have until COB Friday? Apologies for the late ask.

Kaytrue

From: Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>
Sent: Tuesday, August 27, 2024 11:30 AM
To: O'Shea, Michael <OShea.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Talley, David <Talley.David@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>

Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

I will be in person and "moderate" or more likely "emcee" the session. If all the participants could give me a few sentence intro for yourself I will gladly introduce you, then turn you loose on the participants. If you don't send me anything for your intro, no worries, I can make up an interesting backstory for ya.

Thanks,

Neil

From: O'Shea, Michael <OShea.Michael@epa.gov>
Sent: Tuesday, August 27, 2024 9:58 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Talley, David <Talley.David@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lillis, Patrick <Lillis.Patrick@epa.gov>; Finn, Cara (she/her/hers) <Finn.Cara@epa.gov>
Subject: RE: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi Abi,

Thank you very much for following up on this and for everyone's assistance!

I checked with Dave & Neil and we think the session sounds fantastic and we believe all employees will benefit greatly from these updates. Our only suggestion is to list on the first slide what will and won't be covered to keep the session focused.

We rescheduled this session to 9/25 **2:15-3:15 pm ET** – thanks to the ozone transport team for swapping. Neil mentioned he will moderate this session. The session is now slotted for 1 hour – I assume all speakers aside from Neil will be joining virtually?

Here is the live agenda: 2024 SIP Training Agenda DRAFT - shared with APMs ADDs .docx

I checked in with Cara for the final ppt – we asked for other ppts by last Friday 8/23 but for this session only **the final date for review is 9/12** as we will grab and review it last.

Thanks again!
Mike

Mike O'Shea, Ph.D.
Pl anning and Implementation Branch
Ai ivision
U: c Region
Pl 64
Email OShea.Michael@epa.gov

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, August 26, 2024 2:54 PM
To: Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; O'Shea, Michael <OShea.Michael@epa.gov>; Bigioni, Neil

(he/him/his) <bigioni.neil@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: proposed OGC session on key recent litigation updates RE: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi R3 colleagues –

Following up on a discussion Emily and I had with Neil about a legal presentation that could be helpful for this training, OGC proposes to tweak the "Key Recent Legal Decisions" session slotted for 9/26 to "Key Recent Litigation Updates" on several important completed or pending SIP-related court cases. As part of such session, we propose to cover the D.C. Circuit SSM decision (Seth Nolbaum), 3rd Circuit PA RACT decision (Derek Mills), and pending 6th Circuit Detroit 2015 ozone CDD and redesignation litigation (Libby Pettit and Kaytrue Ting). These three cases cover both foundational and hot topics that would be of great value to new(er) SIP practitioners.

Also, there is some conflicting oral arguments and leave scheduled for 9/26, could we reslot this session to anytime on 9/25 or after 2 pm ET on 9/24?

Please let us know your thoughts on including this session at the training, and whether we can reschedule it to a different slot on another day. Also, please let us know when is the drop dead date for getting you the PowerPoint session assuming this proposed session works for everyone. Thank you!

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

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

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

From: Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>
Sent: Monday, July 8, 2024 5:11 PM
To: Air Program Managers Call List <Air_Program_Managers@epa.gov>
Cc: O'Shea, Michael <OShea.Michael@epa.gov>
Subject: 2024 SIP Employee Training & Networking - sign-up sheet, agenda, hotel info (sign up for training by 8/31/24, hotel details below)

Hi All,

Region 3's SIP Management Sub-Lead and R1 are co-organizing an internal EPA training and networking event primarily for new employees who work on SIPs, although newer staff will benefit greatly when experienced employees come to network and share knowledge. This may also be helpful to project officers, modelers, and attorneys who work on SIPs.

1. This training will take place in September in R1 (Boston) from the 24th-26th with travel before on the 23rd depending on your schedule.
2. Please sign up for the training using this sheet:
<image001.png>
2024 Regional New SIP Employee Training Sign-Up Sheet.xlsx. Both trainers and attendees should use the link – trainers, please also see the second tab.
1. **The deadline to sign up for the training is 8/31/24.**

2. **We request that Sub-Leads sign up to present on their area of expertise/adjacent topics. We ask that each region presents on at least one of the agenda topics.**
3. We request trainers to attend in person.
4. Regions should determine on their own how they will address SF 182s for this event.
5. We request that the presentations are designed to be overviews of key topics in the SIP world. This training is meant to provide initial exposure to key topics rather than comprehensive breakdowns but discussions are expected to add complexity and relevant context.
6. Please contact Megan Goold (Goold.Megan@epa.gov) and Mike O'Shea (OShea.Michael@epa.gov) with any training questions.

3. R1 has blocked out rooms at The Bostonian Boston at the local per diem rate of $322 per night. The hotel requires you to book your stay by **9/5/24** to secure the rate and availability (booking link here: EPA).

1. The hotel is a short walk from the R1 office. Contact Patrick Lillis (Lillis.Patrick@epa.gov) with any questions regarding hotels - Ariel Garcia (Garcia.Ariel@epa.gov) is the backup R1 contact.

1. *Please keep in mind that September is a popular time to visit Boston. As such, it is vital that hotel reservations are made early to ensure you can obtain both the government rate and a hotel. If you reserve a room under the room block and end up cancelling prior to the training, we request that you reach out Patrick Lillis to see if the room can be transferred into another attendee's name.*

2. R1 reserved a second block of rooms at the Residence Inn Boston Downtown/Seaport for the same rate and dates - rooms for this hotel must be booked by **8/23/24** (booking link here: **Book your group rate for EPA Room Block**). This hotel is a 15-minute walk from the R1 office.

3. A conference code for this event will be provided later.

1. The training agenda is here:
<image002.png>
2024 SIP Training Agenda DRAFT - shared with APMs ADDs .docx – updates may be made, as necessary. We suggest opening the document in the desktop app rather than in your browser.

1. ***Please provide any pressing feedback points on the agenda by 7/17 in the document as comments and we will do our best to address them.***
2. This agenda is heavily based on our agenda from last year and feedback we received from APMs, ADDs, and attendees.

2. Any employee who works on SIPs who started within approximately the last three years is encouraged to attend. Regions are free to use their discretion to invite staff they would like to send.

1. A primary goal is providing networking opportunities – thus, experienced employees will benefit and transfer knowledge to newer trainees.

3. **Prerequisites:** To streamline the training, it is assumed that employees having completed the Air Pollution Basics (BASC) curriculum in AirKnowledge prior to attending the sessions (https://airknowledge.gov/BASC-SI.html).

Please, let me know if you have any questions.

Thanks,

Megan

Megan Goold
Ac ing and Implementation Branch
Ai ivision
U: c Region
Pl 27
Email goold.megan@epa.gov

Appointment

From: Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]
Sent: 9/17/2024 6:46:14 PM
To: Gerstenberger, Erika [Gerstenberger.Erika@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Patulski, Meg [patulski.meg@epa.gov]

Subject: Overview of I/M for OGC
Attachments: OGC IM Overview IM 101 staff training 9-18-2024.pptx
Location: Microsoft Teams Meeting

Start: 9/18/2024 6:00:00 PM
End: 9/18/2024 7:00:00 PM
Show Time As: Tentative

Required Attendees: Gerstenberger, Erika; Vijayan, Abi
Optional Attendees: Patulski, Meg

9/17/24: See attached presentation
Introductory presentation of I/M for Erika.

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

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: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 9/17/2024 8:14:37 PM
To: Walther, Katherine [Walther.Katherine@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Gillam, Rick [Gillam.Rick@epa.gov]
Subject: RESPONSE RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17
Attachments: DRAFT EPA Comments - KY Henderson-Webster SO2 Attainment Demonstration_ForHQReview.docx

Hi Katherine et. al.,

Thank you for your patience and the opportunity to review these comments. Please find the attached HQ review document with our complete edits and comments within. This document includes the original comments submitted on 9/3 and the additional comments R4 submitted into the portal on 9/11. I'll close out both entries.

Please note the following:

Ex. 5 Deliberative Process (DP)

Please let us know if you have any questions.

Kind regards,
Alina

From: Walther, Katherine <Walther.Katherine@epa.gov>
Sent: Wednesday, September 11, 2024 4:09 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Thanks so much, Alina! We greatly appreciate your review!

Sincerely,
Katie

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, September 11, 2024 2:46 PM
To: Walther, Katherine <Walther.Katherine@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Katherine,

I'm responding to the portal entry and to this follow up email here. After emailing with Katherine, I've combined these comments into the HQ document we are working off of and we will still work off of the same deadline. I've let the HQ reviewers know of the additional content.

Kindest regards,
Alina

From: Walther, Katherine <Walther.Katherine@epa.gov>
Sent: Wednesday, September 11, 2024 2:03 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Alina,

I hope you're doing well! I just submitted these through the portal, but wanted to follow-up with an email as well given the timing. Apologies for not getting these to you sooner! Attached (and sent through the portal) are comments that are intended to supplement the comments submitted by Region 4 on September 3, 2024 for 14-day review concluding on September 17, 2024. We understand that the additional comments will not be available for the entirety of the standard 14-day review period but would greatly appreciate any and all feedback you may have, as is possible given the shorter review timeframe. We have a call with Kentucky setup for Wednesday, September 18th to discuss our comments with them and the comment period closes on Friday, September 20th.

Thank you for considering and thank you for your review of the comments sent on September 3rd!

Sincerely,
Katie

From: Walther, Katherine
Sent: Wednesday, September 4, 2024 2:52 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Alina,

Thank you for confirming – much appreciated! Please let us know if at any point you'd like us to set up a call to discuss any of the comments and/or if you need anything additional from us for your review!

Sincerely,
Katie

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, September 4, 2024 2:17 PM

To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Following up to confirm that HQ can meet the 9/17 review deadline.

From: Brashear, Angelina (she/her/hers)
Sent: Wednesday, September 4, 2024 7:55 AM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi all,

We've received your submission. Once I can confirm the deadline with HQ folks I'll follow back up.

Thank you,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, September 3, 2024 1:12 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>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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

A new item titled "Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area" has been submitted by Region 04 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area
State: KY
Region: 04
Standard: SO2 (2010)
Area: Henderson Webster, Kentucky

Document Category: AP/MP
Date Submitted to HQ: 2024-09-03
HQ Due Date: 2024-09-17
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: Ex. 5 AC/DP

Ex. 5 AC/DP

Regional Manager(s): Huey, Joel; Spann, Jane;
Regional Staff Lead(s): Bradley, Twunjala; Jarvis, Simone (she/her/hers);
ORC Staff Lead(s): Sawyer, Bonnie (she/her/hers);
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Brashear, Angelina (she/her/hers); Hawes, Todd; Tillerson, Clint;
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
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: Walther, Katherine [Walther.Katherine@epa.gov]
Sent: 9/17/2024 8:29:08 PM
To: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Bradley, Twunjala [Bradley.Twunjala@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Huey, Joel [Huey.Joel@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Gillam, Rick [Gillam.Rick@epa.gov]
Subject: RE: RESPONSE RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Alina,

Thank you so much for HQs' review of both sets of comments – we greatly appreciate it! We will reach out if we have any questions.

Thank you again!

Sincerely,
Katie

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Tuesday, September 17, 2024 4:15 PM
To: Walther, Katherine <Walther.Katherine@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Gillam, Rick <Gillam.Rick@epa.gov>
Subject: RESPONSE RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Katherine et. al.,

Thank you for your patience and the opportunity to review these comments. Please find the attached HQ review document with our complete edits and comments within. This document includes the original comments submitted on 9/3 and the additional comments R4 submitted into the portal on 9/11. I'll close out both entries.

Please note the following:

Ex. 5 Deliberative Process (DP)

Please let us know if you have any questions.

Kind regards,
Alina

From: Walther, Katherine <Walther.Katherine@epa.gov>
Sent: Wednesday, September 11, 2024 4:09 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
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Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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Sent: Wednesday, September 11, 2024 2:46 PM
To: Walther, Katherine <Walther.Katherine@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Katherine,

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Alina

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Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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Thank you for considering and thank you for your review of the comments sent on September 3rd!

Sincerely,
Katie

From: Walther, Katherine
Sent: Wednesday, September 4, 2024 2:52 PM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi Alina,

Thank you for confirming – much appreciated! Please let us know if at any point you'd like us to set up a call to discuss any of the comments and/or if you need anything additional from us for your review!

Sincerely,
Katie

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Sent: Wednesday, September 4, 2024 2:17 PM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Following up to confirm that HQ can meet the 9/17 review deadline.

From: Brashear, Angelina (she/her/hers)
Sent: Wednesday, September 4, 2024 7:55 AM
To: Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

Hi all,

We've received your submission. Once I can confirm the deadline with HQ folks I'll follow back up.

Thank you,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, September 3, 2024 1:12 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>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>

Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area Due 2024-09-17

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A new item titled "Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area" has been submitted by Region 04 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Draft Pre-Hearing Comments Comments Regarding the Kentucky Attainment Demonstration for the Henderson-Webster 2010 SO2 Area
State: KY
Region: 04
Standard: SO2 (2010)
Area: Henderson Webster, Kentucky
Document Category: AP/MP
Date Submitted to HQ: 2024-09-03
HQ Due Date: 2024-09-17
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: Ex. 5 AC/DP

Ex. 5 AC/DP

Regional Manager(s): Huey, Joel; Spann, Jane;
Regional Staff Lead(s): Bradley, Twunjala; Jarvis, Simone (she/her/hers);
ORC Staff Lead(s): Sawyer, Bonnie (she/her/hers);
OAQPS Staff Involved: Mataway-Novak, Dylan (he/him/his); Brashear, Angelina (she/her/hers); Hawes, Todd; Tillerson, Clint;
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
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: Panos, Christos [Panos.Christos@epa.gov]
Sent: 9/18/2024 5:42:57 PM
To: James, Corin [James.Corin01@epa.gov]; Cecala, Ian [cecala.ian@epa.gov]; Gross, Louise C [gross.louise@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]
Attachments: Ohio EPA comments of US EPA proposal on nuisance rules 4_23_24.pdf; 20240424 Comment from Ohio Attorney General on Withdrawal of Tech_ Amend_ Removal of ANR from Ohio SIP wi.pdf; 01_2024_04_24 OH Trade Associations_Nuisance Rule Comment Letter.pdf; 02_OH TradeAssoc_Table of Attachments_Comment Letter_NR Reinstatement.pdf; 03_OH TradeAssoc_Attachments A through G.pdf; 04_OH TradeAssoc_Additional Documents 1 through 10.pdf; 05_OH TradeAssoc_Additional Documents 11 through 26.pdf; 06_OH TradeAssoc_Additional Documents 27 through 44.pdf; 07_OH TradeAssoc_Additional Documents 45 through 64.pdf; 08_OH TradeAssoc_Additional Documents 65 through 76.pdf; 09_OH TradeAssoc_OH TradeAssoc_Additional Documents 77_Part1.pdf; 10_OH TradeAssoc_Additional Documents 77_Part2.pdf; 11_OH TradeAssoc_OH TradeAssoc_Additional Documents 77_Part3.pdf; 12_OH TradeAssoc_Additional Documents 77_Part4.pdf; 13_OH TradeAssoc__Additional Documents 78 through 83.pdf

There were over 500 comments submitted on the proposed reinstatement of the Ohio ANR, all but three were form letters in support of our proposal and only three were adverse.

The three adverse comments were submitted by the:

- Ohio EPA
- Ohio Attorney General
- OH Trade Associations (included several attachments)

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

From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, September 18, 2024 12:11 PM
To: Panos, Christos <Panos.Christos@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>; Gross, Louise C <gross.louise@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

Hi R5 colleagues,

Abi and I were chatting today and this action came up – which made us wonder if you all had any status updates? I imagine we received adverse comments, are you able to share those with us? Our error correction authority is coming up in a number of other actions, so it would be helpful to see what kinds of comments we received on our exercise of that authority in this action.

Thanks,
Corin

From: Panos, Christos <Panos.Christos@epa.gov>
Sent: Monday, March 11, 2024 11:28 AM
To: James, Corin <James.Corin01@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Gross, Louise C <gross.louise@epa.gov>

Subject: RE: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

The 30-day extension was signed on Friday, March 8, 2024.

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

---

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, March 8, 2024 11:01 AM
To: Cecala, Ian <cecala.ian@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Gross, Louise C <gross.louise@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: RE: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

Thanks for the FYI, Ian! Sounds good.

From: Cecala, Ian <cecala.ian@epa.gov>
Sent: Friday, March 8, 2024 11:23 AM
To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Gross, Louise C <gross.louise@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: FW: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

Hi Corin and Abi:

FYI, Region 5 is extending the comment period for the ANR proposal after receiving a public comment requesting an extension. The extension notice has since been (minorly) edited. My understanding is that the extension notice will be published in a couple days and that the comment period will be extended for 30 days until April 24, 2024.

Have a great weekend,

Ian Cecala
Associate Regional Counsel
U.S. Environmental Protection Agency (Region 5)
77 W. Jackson Blvd. (C-14J)
Chicago, IL 60604
(312) 353-5966

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From: Panos, Christos <Panos.Christos@epa.gov>
Sent: Wednesday, March 6, 2024 8:08 AM
To: Cecala, Ian <cecala.ian@epa.gov>; Gross, Louise C <gross.louise@epa.gov>
Subject: FW: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

FYI, attached is also the final draft of the notice I am routing for signature. The comment period will be extended for 30 days to April 24, 2024. I'm not planning on sending it to you in eSign unless you want me to.

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

From: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Sent: Wednesday, March 6, 2024 7:32 AM
To: Panos, Christos <Panos.Christos@epa.gov>
Subject: FW: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

From: Schirra, Christine <CSchirra@brickergraydon.com>
Sent: Tuesday, March 5, 2024 8:31 PM
To: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Cc: Merrill, Frank <FMerrill@brickergraydon.com>
Subject: Request for Extension of Comment Period (Docket ID No. EPA-R05-OAR-2020-0055) [IMAN-BRICKER2.FID20084]

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

Dear Ms. Arra,
Please see attached correspondence, which has also been submitted via the regulations.gov site.

Regards,
Christy

Bricker Graydon

Christine Rideout Schirra
Pronouns: she/her/hers
Partner

brickergraydon.com

cschirra@brickergraydon.com

100 South Third Street
Columbus, OH 43215

Direct 614 227 8810
Fax 614 227 2390

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Message

From: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Sent: 9/18/2024 8:55:48 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: GA RH NFRM Reporting Comment
Attachments: EPA-R04-OAR-2023-0220-0011_content.pdf; EPA-R04-OAR-2023-0220-0010_content.pdf; Conservation Groups Comments on Georgia Second Period Regional Haze Plan - 07_03_2024.pdf

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

GA-187-FR_ForHQReview_DMN.docx

Hi Abi,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Dylan Mataway-Novak (he/him/his)
Group Leader, State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Mataway-Novak.Dylan@epa.gov
Phone: (919) 541-5795

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Message

From: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Sent: 9/19/2024 12:37:53 PM
To: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]
Subject: GA RH NFRM Reporting Comment
Attachments: EPA-R04-OAR-2023-0220-0011_content.pdf; EPA-R04-OAR-2023-0220-0010_content.pdf; Conservation Groups Comments on Georgia Second Period Regional Haze Plan - 07_03_2024.pdf

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

GA-187-FR_ForHQReview_DMN.docx

Hi Corin and Abi

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Dylan Mataway-Novak (he/him/his)
Group Leader, State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Mataway-Novak.Dylan@epa.gov
Phone: (919) 541-5795

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Message

From: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
Sent: 9/19/2024 2:09:47 PM
To: Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Subject: FW: 24-60425 State of Texas v. EPA "Motion to Intervene"
Attachments: 24-60428 Business Coaltn for Clean Air v. EPA "Motion to Intervene"; ECF No. 15 - Enviro Motion to Intervene (TX Industry).pdf; ECF No. 16 - Enviro Motion to Intervene (TX).pdf

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Hi Team,

Enviros moved for intervention in both the TX and TX Industry reclassification petitions. They filed last night. See attached. While filed as opposed motions, neither Texas nor Texas Industry said that they would oppose the motion outright. Like us, both petitioners reserved their right to respond.

Ex. 5 AC/AWP

Best,
Paul

From: cmecf_caseprocessing@ca5.uscourts.gov <cmecf_caseprocessing@ca5.uscourts.gov>
Sent: Wednesday, September 18, 2024 7:38 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Subject: 24-60425 State of Texas v. EPA "Motion to Intervene"

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.

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United States Court of Appeals for the Fifth Circuit

Notice of Docket Activity

The following transaction was entered on 09/18/2024 at 6:38:03 PM Central Daylight Time and filed on 09/18/2024

Case Name:	State of Texas v. EPA
Case Number:	24-60425
Document(s):	Document(s)

Docket Text:
OPPOSED MOTION by Earthjustice to intervene , on behalf of Air Alliance; Texas Environmental Justice Advocacy Services; Sierra Club. Date of service: 09/18/2024 via email - Attorney for Respondent: Caintic; Attorney for Petitioners: Cole, Jackson; US mail - Attorney for Respondent: Prieto [24-60425] (Rodrigo Garza Cantu)

Notice will be electronically mailed to:

Mr. William Francis Cole: william.cole@oag.texas.gov, brooke.jackson@oag.texas.gov, toni.shah@oag.texas.gov
Ms. Kateland R. Jackson: kateland.jackson@oag.texas.gov, alison.washburn@oag.texas.gov, deborah.williams@oag.texas.gov
Mr. Paul Caintic: paul.caintic@usdoj.gov, efile_eds.enrd@usdoj.gov
Mr. Rodrigo Garza Cantu, Attorney: rcantu@earthjustice.org

NOTICE WILL BE DELIVERED BY OTHER MEANS TO:

Mr. Jeffrey Prieto
Environmental Protection Agency
Office of General Counsel
Room 1448K
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building
Washington, DC 20460-0003

The following document(s) are associated with this transaction:
Document Description: Motion to Intervene
Original Filename: Final Motion to Intervene 24-60425.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-0]
[9aeb2fff1a1c453172d0b5ca3c9b822cba361e5a36d73f886d3b295df9708f8a2a72f1e2c8f9f8f049e6ba0826d4

15f9d505532e3b246d4a1977758301d265b4]]

Document Description: Exhibit 1
Original Filename: Ex 1 - Comments re EPA's Proposal to Grant Tx Gov's Request to Reclassify.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-1]
[3645b10c52ccf3a5c45fca16a3a57d2623f3e6b2adf80d1df6ad992a0c73f8ac30875d2cf1777a46be7ffdeaf47f4
047d905a94f6f8e60820a9735eeef4bec69]]

Document Description: Exhibit 2
Original Filename: Ex 2 - Declaration of Hadayia.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-2]
[148131b9c5f1a85f753596ef0f49623641bf809f5fbe734fb639a54913c9387bbae82ccddb3ede8b3df0df889e17
d9923ac965245b335973312ad5f17a4e7527]]

Document Description: Exhibit 3
Original Filename: Ex 3 - Declaration of Parras.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-3]
[7c35d631e3f84d3bebf07c955ffea5475bff2b241bd3e25d2405e1043837d9c3f62ad9b25c6369d422c56816b5e
98d7f931f5595db56917c2c7c0330db202436]]

Document Description: Exhibit 4
Original Filename: Ex 4 - Declaration of O'Quinn.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-4]
[734ded85ec2f4012c5489d70f572c3de57c5a32ef386e99fe33e907927edd9b7c1c26bb542861cbb4557c890d39
c0e4e893d954228870381359fb1ccc596def3]]

Document Description: Exhibit 5
Original Filename: Ex 5 - Declaration of McGuire.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-5]
[21755b816f81bd60d942be04866b575f7bb4a5d2e966428c8ce4a1413b6231b0bb8e046fb323c33fb980655ca
b604b23709eae8ea955d9f7ee6853d7f4d4e4fc]]

Document Description: Exhibit 6
Original Filename: Ex 6 - Declaration of Blake.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1105048708 [Date=09/18/2024] [FileNumber=10440124-6]
[51e9fa3aae08b48c9a97de2eb27f6cac9dbeae7e6853c8574394cbd29375ecff8da093ba55ecfec55ada2674467c
05d3a39f4556ec05c27f29027b3d469ebcca]]

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 9/19/2024 10:03:38 PM
To: Mills, Derek [Mills.Derek@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Pre-Oral Argument Summary Draft
Attachments: DN 010111010783 Petitioners' Corrected Brief.pdf; CBD v. EPA 23-9565- EPA Response Brief as filed.pdf; DN 010111015402 Colorado Response Brief.pdf; DN 010111026572 CBD Reply Brief.pdf; CBD v. EPA 10th Cir. Oral Argument Summary draft.docx

CUI//PRIVILEGE

Hi Derek, Melina, and Abi,

I didn't have too much time today to spend on this, but I tried to take a first shot at the pre-oral argument summary to send out Monday. I followed Kaytrue's recent email on the AIM Act oral argument. I attached a static copy of the draft just in case the SharePoint below doesn't work since tomorrow is my compressed day off. (But I'd like to take another look at this since I drafted it quickly, so I might be online tomorrow.)

Ex. 5 AC/AWP

CBD v. EPA 10th Cir. Oral Argument Summary draft.docx

Thanks!

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

Controlled by U.S. Environmental Protection Agency

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 9/23/2024 3:24:40 PM
To: OGC ARLO [OGC_ARLO@epa.gov]
Subject: FW: Upcoming Oral Argument in CBD v. EPA, No. 23-9565 (10th Cir.): Colorado Ozone SIP Approval (9/24 at 11am ET)
Attachments: DN 010111010783 Petitioners' Corrected Brief.pdf; CBD v. EPA 23-9565- EPA Response Brief as filed.pdf; DN 010111015402 Colorado Response Brief.pdf; DN 010111026572 CBD Reply Brief.pdf

FYI

From: Pettit, Elizabeth (Libby)
Sent: Monday, September 23, 2024 11:18 AM
To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Sargeant, Kathryn (she/her/hers) <sargeant.kathryn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Berry, Laura <berry.laura@epa.gov>
Subject: Upcoming Oral Argument in CBD v. EPA, No. 23-9565 (10th Cir.): Colorado Ozone SIP Approval (9/24 at 11am ET)

Tomorrow morning, on Tuesday, September 24, the 10th Circuit will hear oral argument in *Center for Biological Diversity v. EPA*, No. 23-9565. Petitioners challenge EPA's May 9, 2023 final action approving certain state implementation plan (SIP) elements of Colorado's Serious attainment plan for the 2008 ozone NAAQS for the Denver Metro/North Front Range nonattainment area (88 Fed. Reg. 29,827). The State of Colorado has intervened on EPA's behalf. Briefs for the case are attached.

The 10th Circuit panel is Judges Tymkovich, Moritz, and Carson. The argument is scheduled first on the calendar for the day, so is anticipated to begin at 11am ET (9am MT). Each side has been provided 15 minutes of argument time. Audio of the oral argument will be broadcast live here. Recordings of 10th Circuit oral arguments can be found here. Lucy Brown from DOJ will be representing EPA. Please let me, Derek, or Melina know if you have any questions.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

Message

From: Vijayan, Abi [Vijayan.Abi@epa.gov]
Sent: 9/23/2024 10:12:17 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Early October litigation deadlines

10/7: Oral argument in Texas v. EPA, 5th Cir (challenge to EPA's finding of failure to submit for Texas's 2015 Moderate area nonattainment SIP)
10/7: Deferred Appendix for Commonwealth of Kentucky v. EPA, D.C. Cir (2024 PM NAAQS litigation)
10/15: Final briefs for Commonwealth of Kentucky v. EPA, D.C. Cir (2024 PM NAAQS litigation)

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: Orlin, David [Orlin.David@epa.gov]
Sent: 9/24/2024 8:44:19 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Any litigation filing deadlines between 10/1 - 10/15?

I think these are the only ones I have? For the PM NAAQS litigation (Kentucky v EPA)—

- October 7: Deferred appendix
- October 15: final briefs due

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, September 23, 2024 3:55 PM
To: Thrift, Mike <thrift.mike@epa.gov>; OGC NAAQS Group <OGC-NAAQS-Group@epa.gov>
Subject: RE: Any litigation filing deadlines between 10/1 - 10/15?

Please also identify status reports to the extent someone will need to file them with the court, thank you!

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

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

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From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Monday, September 23, 2024 3:52 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; OGC NAAQS Group <OGC-NAAQS-Group@epa.gov>
Subject: RE: Any litigation filing deadlines between 10/1 - 10/15?

This does not include routine say-nothing status reports, does it?

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, September 23, 2024 12:07 PM
To: OGC NAAQS Group <OGC-NAAQS-Group@epa.gov>
Subject: RE: Any litigation filing deadlines between 10/1 - 10/15?

Clarifying that Gautam also needs to know about oral arguments scheduled for during this timeframe, thanks!

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

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, September 23, 2024 2:38 PM
To: OGC NAAQS Group <OGC-NAAQS-Group@epa.gov>
Subject: Any litigation filing deadlines between 10/1 - 10/15?
Importance: High

Hi all,

Gautam is compiling info on any litigation filing deadlines we have the first two weeks in October. I am not recalling any in the NAAQS Practice Group that fall within that timeframe, but could you please let me know by 10 am tomorrow morning if you have such a filing deadline in our group? Thank you!

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: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 9/24/2024 1:29:04 PM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
CC: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

Here is an internal write up I did on the RFP requirement recently for some briefings we had. I'm sharing this in case it's helpful for you. It includes citations if you want to check any of the source materials. If you want more detail beyond this, let me know. This is primarily focused on the Moderate RFP requirement.

Ex. 5 AC/AWP/DP

This is from a different briefing paper.

Ex. 5 AC/AWP/DP

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, September 23, 2024 3:41 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

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

Hi Karen—can you send me whatever the best document/guidance is for me to understand EPA's interpretation of Reasonable Further Progress for ozone? It's probably more than I have to know, but I want to have at least a base understanding if the Court starts asking me about different elements.

Best,
Paul

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Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

Ah yes, good point on the filing! Sorry I didn't think of that sooner.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
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Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
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Hi Karen,

This is unbelievably helpful! Thank you! I really appreciate the time and thought you put into your responses.

Ex. 5 AC/AWP/DP

Thanks again,
Paul

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Friday, September 20, 2024 8:32 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

I put in responses below.

CC'ing Abi here. I am going to be out of the country starting next Wednesday, I'll be back October 1. If things arise during the 4 days I'm out, please raise them to Abi and she can pull in others as needed to get you answers. And I'm around through Tuesday for anything.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Sunday, September 15, 2024 7:02 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: TX Ozone FFS - List of Questions

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Hi Karen,

Below is the list of questions I hope you and the EPA team can help me with. I recognize that many of these questions are probably more than I have to know for the FFS oral argument, but this background knowledge will at

minimum help me with understanding the reclassification petitions. Written responses would be most helpful for my studying purposes. But if it would be easier to talk through some of these, let me know. I would appreciate responses to these questions by the end of this week, if possible.

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

Best,
Paul

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Ex. 5 AC/AWP/DP

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 9/24/2024 3:11:35 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: References to "Control Strategies" in CAA Text
Attachments: _CLEAN AIR ACT AMENDMENTS__ 1990 Enacted S. 1630_ 101 Enacted S. 1630_ 104 Stat. 2399.PDF

Hi Abi,

Ex. 5 AC/DP

Thanks,
Melina

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

From: Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>
Sent: Tuesday, September 24, 2024 10:26 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: References to "Control Strategies" in CAA Text

Hi team,

Ex. 5 AC/DP

Ex. 5 AC/DP

Erika Gerstenberger

US Environmental Protection Agency
Office of General Counsel | Air and Radiation Law Office
1200 Pennsylvania Ave. NW
Washington DC 20460
phone: +1 (202) 564-4613

(she/her/hers)

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Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 9/24/2024 4:41:30 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: litigation deadlines

Thanks!

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, September 24, 2024 12:41 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: litigation deadlines

Karen is the lead on the TX argument, and Andrea is the lead on the 10/14 status report. **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

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

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

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Tuesday, September 24, 2024 12:39 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: litigation deadlines

Sorry, who is lead on the Texas argument? Karen? And what about the 10/14 status report? (Unless there's something weird going on with that, I might not list it, FYI.)

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, September 24, 2024 12:35 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: litigation deadlines

Here are the ones in my group:

10/7: Oral argument in *Texas v. EPA*, No. 23-60635, 5th Cir (challenge to EPA's finding of failure to submit for Texas's 2015 Moderate area nonattainment SIP)
10/7: Deferred Appendix for *Commonwealth of Kentucky v. EPA*, No. 24-1050, D.C. Cir (2024 PM NAAQS litigation)

10/14: Status report due *Sierra Club v. EPA*, No. 17-1227, DC Cir. (Petition for review of the Air Quality Designations for the 2010 Sulfur Dioxide (S02) Primary National Ambient Air Quality Standard-Round 2 at 81 Fed. Reg. 45039)
10/15: Final briefs for *Commonwealth of Kentucky v. EPA*, No 24-1050, D.C. Cir (2024 PM NAAQS litigation)

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

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(no emphasis on either syllable, cadence like and rhymes with "cubby")

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, September 23, 2024 3:05 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; OGC ARLO MGMT <OGC_ARLO_MGMT@epa.gov>
Subject: RE: litigation deadlines

Oral arguments too. Thanks.

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, September 23, 2024 3:03 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; OGC ARLO MGMT <OGC_ARLO_MGMT@epa.gov>
Subject: RE: litigation deadlines

Clarification question, are you looking for just filing deadlines or should we include oral arguments that fit within that timeframe?

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

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

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, September 23, 2024 2:55 PM
To: OGC ARLO MGMT <OGC_ARLO_MGMT@epa.gov>
Subject: RE: litigation deadlines

Emily reminds me that the chart Conrad sends around already includes "significant deadlines," so I'll just look at that. If you're aware of any other filing deadlines that aren't on the chart, let me know.

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Monday, September 23, 2024 2:28 PM
To: OGC ARLO MGMT <OGC_ARLO_MGMT@epa.gov>
Subject: litigation deadlines
Importance: High

Hi all. Can you please let me know what litigation filing deadlines we have the first two weeks in October? I need this by 1p tomorrow. Thanks. (Yes, this is shutdown related.)

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

Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 9/24/2024 8:50:48 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: FW: FOIA - Respond Requested
Attachments: NCDAQ_EE_Initial_Notification_Letter_091124_Final.pdf

FYI – Didn't see your names on the list, but there are so many. Sorry if double sending!

From: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Tuesday, September 24, 2024 4:32 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Creilson, John <Creilson.John@epa.gov>; Barry, Laura (she/her/hers) <Barry.Laura@epa.gov>; Joerger, Verena (she/her/hers) <joerger.verena@epa.gov>; Kosin, Michele <Kosin.Michele@epa.gov>; Spenillo, Justin <Spenillo.Justin@epa.gov>; Seeds, Amy <Seeds.Amy@epa.gov>; Hong, Shaye <Hong.Shaye@epa.gov>; Algoe Booke, Amy <AlgoeBooke.Amy@epa.gov>; Apodaca, Suzanne <Apodaca.Suzanne@epa.gov>; Belk, Ellen (she/her/hers) <Belk.Ellen@epa.gov>; Bohning, Scott <Bohning.Scott@epa.gov>; Brown, Ethan <Brown.Ethan@epa.gov>; Carlstad, Julia (she/her/hers) <Carlstad.Julia@epa.gov>; Compher, Michael (he/him/his) <compher.michael@epa.gov>; Curran, Trisha <Curran.Trisha@epa.gov>; Eisele, Adam (he/him/his) <Eisele.Adam@epa.gov>; Evangelista, Mark <Evangelista.Mark@epa.gov>; Fuoco, Marta <fuoco.marta@epa.gov>; Garver, Daniel <Garver.Daniel@epa.gov>; Gillam, Rick <Gillam.Rick@epa.gov>; Grier, Gina <Grier.Gina@epa.gov>; Hall, Christopher <hall.christopher-j@epa.gov>; Henderson, Barron <henderson.barron@epa.gov>; Jackson, Scott (he/him/his) <Jackson.Scott@epa.gov>; Jager, Doug <Jager.Doug@epa.gov>; Jentgen, Matthew <jentgen.matthew@epa.gov>; Kemp, Lachala <Kemp.Lachala@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Kotchenruther, Robert <Kotchenruther.Robert@epa.gov>; Long, Meighan (she/her/hers) <Long.Meighan@epa.gov>; Madden, Joshua <madden.joshua@epa.gov>; Manj, Muhammad Bilal <Manj.Muhammad-Bilal@epa.gov>; McWilliams, Anne K. <mcwilliams.anne@epa.gov>; Mintz, David <Mintz.David@epa.gov>; Ostigaard, Crystal <Ostigaard.Crystal@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Palmer, Darren <Palmer.Darren@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Rackauskas, Eric <rackauskas.eric@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Thomason, Krista (she/her/hers) <Thomason.Krista@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Vaupel, Claudia <Vaupel.Claudia@epa.gov>; Waldo, Sarah (she/her/hers) <waldo.sarah@epa.gov>; Wieber, Kirk <Wieber.Kirk@epa.gov>; Williams, Jennifer <Williams.Jennifer@epa.gov>; Yoshimura, Gwen (she/her/hers) <Yoshimura.Gwen@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; McEathron, Kimberly (she/her/hers) <McEathron.Kimberly@epa.gov>; Hasselbring, Delaney (she/her/hers) <Hasselbring.Delaney@epa.gov>
Cc: Bonifacino, Gina <Bonifacino.Gina@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Robinson, Jeffrey <Robinson.Jeffrey@epa.gov>; Avey, Lance <Avey.Lance@epa.gov>; Olson, Bethany (she/her/hers) <olson.bethany@epa.gov>; Tsai, Sheila (she/her/hers) <Tsai.Sheila@epa.gov>; Kluck, Johanna <Kluck.Johanna@epa.gov>; Reed, Shannon <Reed.Shannon@epa.gov>; Yarina, Adam <Yarina.Adam@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>; Simcox, Alison <simcox.alison@epa.gov>; Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; Castro, Marina (she/her/hers) <Castro.Marina@epa.gov>; Lau, Gavin (he/him/his) <Lau.Gavin@epa.gov>; Goold, Megan (she/her/hers) <Goold.Megan@epa.gov>; Lin, Stephanie <Lin.Stephanie@epa.gov>; Snyder, Erik <snyder.erik@epa.gov>; Needham, Michael <Needham.Michael@epa.gov>; Wolf, Jacob <Wolf.Jacob@epa.gov>; Fry, Jessica <fry.jessica@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Rutherford, Robert <Rutherford.Robert@epa.gov>; Cook, Stella <Cook.Stella@epa.gov>; Holt, Lindsey <Holt.Lindsey@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Leonard, Dona Jamie <Leonard.DonaJamie@epa.gov>
Subject: FOIA - Respond Requested

Hi All,

We received the attached FOIA request from the Southern Environmental Law Center "requesting copies of any documents submitted by state or local government entities or consultants or other representatives of those entities requesting that EPA exclude certain monitoring data from consideration regarding attainment determinations for the 2024 annual $PM_{2.5}$ NAAQS, as well as any other records related to those specific requests, pertaining to the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia."

Ex. 5 AC/DP

My office will respond to the requestor with responsive documents by the deadline of Wednesday, October 2, 2024.

All EPA regional offices are included on this email for situational awareness as we may receive additional FOIA requests as we move through the initial area designations process. If you have any questions feel free to send me a message on TEAMs. I am in Boston this week for the SIP training and will be checking my messages intermittently throughout the day.

***

Assignment Details:

- Request ID : 2024-EPA-06652
- Request Type : FOIA
- Requested By : Bottens, Alaina
- Requested Date : 08/29/2024
- Primary User : Kelly Brown
- Due Date: 10/02/2024
- Track: Simple
- Assignment Note :

Request Description:

- Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, Southern Environmental Law Center ("SELC") requests access to certain documents created, received, or reviewed by the U.S. Environmental Protection Agency ("EPA") Headquarters in Washington, DC, and the applicable EPA Regional Office. Specifically, we are requesting copies of any documents submitted by state or local government entities or consultants or other representatives of those entities requesting that EPA exclude certain monitoring data from consideration regarding attainment determinations for the 2024 annual PM2.5 NAAQS, as well as any other records related to those specific requests, pertaining to the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. In addition, we also request copies of any guidance documents that EPA

relies on in evaluating such requests. We respectfully request that any responsive records are provided in electronic format such as a link or a PDF. (Date Range for Record Search: From 01/01/2020 To 08/29/2024)

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

Message

From: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
Sent: 9/26/2024 1:57:12 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Bianco, Karen [Bianco.Karen@epa.gov]; Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]
Subject: Re: [EXTERNAL] RE: TX Ozone FFS - List of Questions

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

Thank you!

On Sep 25, 2024, at 9:56 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

CUI//PRIVILEGE

Hi Paul – correct! **Ex. 5 AC/AWP/DP**

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

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

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Controlled by U.S. Environmental Protection Agency

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Wednesday, September 25, 2024 9:49 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

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Ex. 5 AC/AWP/DP

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Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

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Sent: Sunday, September 22, 2024 1:10 PM
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To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

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Paul

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To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
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I put in responses below.

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Sunday, September 15, 2024 7:02 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: TX Ozone FFS - List of Questions

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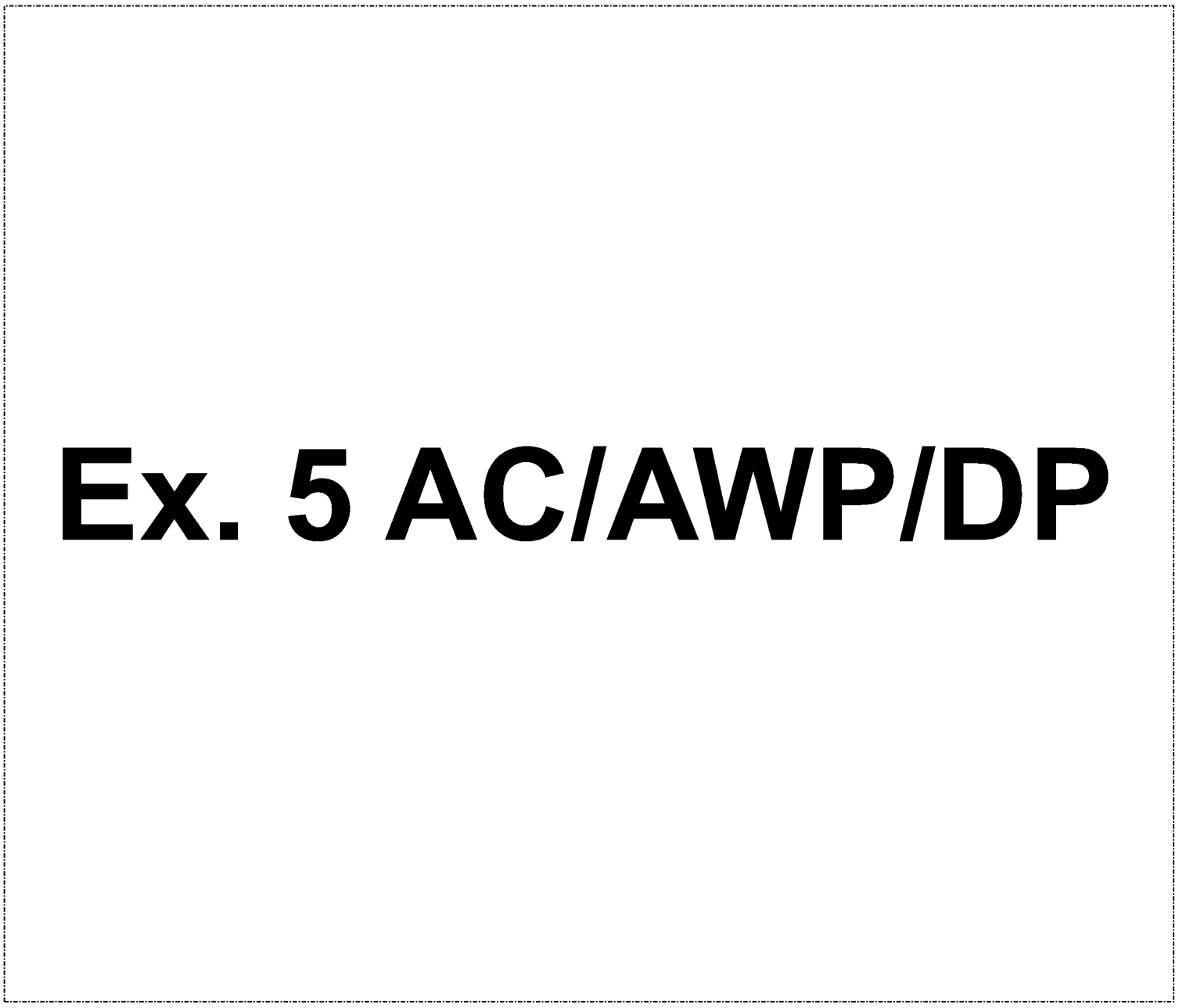
Hi Karen,

Below is the list of questions I hope you and the EPA team can help me with. I recognize that many of these questions are probably more than I have to know for the FFS oral argument, but this background knowledge will at minimum help me with understanding the reclassification petitions. Written responses would be most helpful for my studying purposes. But if it would be easier to talk through some of these, let me know. I would appreciate responses to these questions by the end of this week, if possible.



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

Best,
Paul

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Ex. 5 AC/AWP/DP

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 9/26/2024 1:30:59 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Intervenor Briefs (PM NAAQS)
Attachments: Enviro Intervenor Brief (ECF No. 2073964).pdf; CA Intervenor Br (ECF No. 2073961).pdf

No need to look at these, but if you are curious we did get enviro and state intervenor briefs supporting us in the PM NAAQS whileI was out. Ex. 5 AC/AWP

Ex. 5 AC/AWP

Reply briefs should come in next week btw.

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

From: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Sent: Tuesday, September 10, 2024 2:11 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: Intervenor Briefs

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 the briefs from intervenors. I have only skimmed them, Ex. 5 AC/AWP Ex. 5 AC/AWP

Best,
Alex

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

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 9/27/2024 2:57:15 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
Subject: Conditional Approvals: Commitment Letter - NC RH Action
Attachments: NCDAQ_Round2_RH_SIP_Commitment_Letter_v2_073024.pdf

CUI//PRIVILEGE

Good morning Corin –

I hope you had fun at the SIP training this week!

Ex. 5 AC/DP

Thanks,

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

she/her/hers

Controlled by U.S. Environmental Protection Agency

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 9/30/2024 7:24:48 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: Conditional Approvals: Commitment Letter - NC RH Action
Attachments: 2024-05-03 Commitment Ltr to EPA_TO.pdf

CUI//PRIVILEGE

Thanks, Abi.

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, September 27, 2024 12:03 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Conditional Approvals: Commitment Letter - NC RH Action

CUI//PRIVILEGE

Ex. 5 AC/DP

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

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

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Controlled by U.S. Environmental Protection Agency

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, September 27, 2024 10:57 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: Conditional Approvals: Commitment Letter - NC RH Action

CUI//PRIVILEGE

Good morning Corin –

I hope you had fun at the SIP training this week!

Ex. 5 AC/DP

Thanks,

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

she/her/hers

Controlled by U.S. Environmental Protection Agency

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 9/30/2024 8:04:32 PM
To: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: Conditional Approvals: Commitment Letter - NC RH Action

CUI//PRIVILEGE

Thank you for sharing. I will give you more details asap.

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

she/her/hers

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From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, September 30, 2024 3:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Conditional Approvals: Commitment Letter - NC RH Action

CUI//PRIVILEGE

Thanks, Abi.

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, September 27, 2024 12:03 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; James, Corin <James.Corin01@epa.gov>

Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Conditional Approvals: Commitment Letter - NC RH Action

CUI//PRIVILEGE

Ex. 5 AC/DP

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Sent: Friday, September 27, 2024 10:57 AM
To: James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: Conditional Approvals: Commitment Letter - NC RH Action

CUI//PRIVILEGE

Good morning Corin –

I hope you had fun at the SIP training this week!

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

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

she/her/hers

Controlled by U.S. Environmental Protection Agency

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 9/30/2024 9:46:20 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 1:29 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Hi EPA Team, see below from Brent. They countered with June 30, 2025. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
if needed. I'm around to discuss. Thanks!

Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Monday, September 30, 2024 4:00 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No. 24-05042; proposed final action date

CONFIDENTIAL SETTLEMENT COMMUNICATION

David,

I was able to connect with my client representative this morning. CCAEJ appreciates EPA's offer of August 29, 2025 as a final action date. As I mentioned before, CCAEJ views the Heavy Duty I/M rule as an important component of the South Coast's plan to attain the 2015 8-hour ozone standard which is also pending before EPA for a final action. Accordingly, CCAEJ proposes a June 30, 2025 final action date to ensure EPA action on the rule before EPA action on the Plan.

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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This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited.

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/1/2024 3:33:39 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

Thanks!

From: Lueders, Jesse (he/him/his)
Sent: Monday, September 30, 2024 4:42 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 2:52 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Ex. 5 AC/AWP/DP

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Monday, September 30, 2024 5:46 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 1:29 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Ex. 5 AC/AWP/DP
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Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Monday, September 30, 2024 4:00 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No. 24-05042; proposed final action date

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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: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/1/2024 3:35:23 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Yes.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:34 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Sounds good. Ex. 5 AC/AWP/DP

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:34 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

Thanks!

From: Lueders, Jesse (he/him/his)
Sent: Monday, September 30, 2024 4:42 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 2:52 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara

(she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Ex. 5 AC/AWP/DP

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Monday, September 30, 2024 5:46 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 1:29 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Hi EPA Team, see below from Brent. They countered with June 30, 2025. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
if needed. I'm around to discuss. Thanks!

Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Monday, September 30, 2024 4:00 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No. 24-05042; proposed final action date

CONFIDENTIAL SETTLEMENT COMMUNICATION

David,

I was able to connect with my client representative this morning. CCAEJ appreciates EPA's offer of August 29, 2025 as a final action date. As I mentioned before, CCAEJ views the Heavy Duty I/M rule as an important component of the South Coast's plan to attain the 2015 8-hour ozone standard which is also pending before EPA for a final action. Accordingly, CCAEJ proposes a June 30, 2025 final action date to ensure EPA action on the rule before EPA action on the Plan.

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: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 10/1/2024 5:09:17 PM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]
Subject: RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, October 1, 2024 12:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

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Hi Karen and Abi,

Ex. 5 AC/AWP/DP

Best,
Paul

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, September 25, 2024 9:57 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

Hi Paul – correct! Ex. 5 AC/AWP/DP

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

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

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Controlled by U.S. Environmental Protection Agency

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Wednesday, September 25, 2024 9:49 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

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Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, September 24, 2024 9:29 AM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>

Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

Here is an internal write up I did on the RFP requirement recently for some briefings we had. I'm sharing this in case it's helpful for you. It includes citations if you want to check any of the source materials. If you want more detail beyond this, let me know. This is primarily focused on the Moderate RFP requirement.

Ex. 5 AC/AWP/DP

This is from a different briefing paper.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, September 23, 2024 3:41 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

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

Hi Karen—can you send me whatever the best document/guidance is for me to understand EPA's interpretation of Reasonable Further Progress for ozone? It's probably more than I have to know, but I want to have at least a base understanding if the Court starts asking me about different elements.

Best,
Paul

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Sunday, September 22, 2024 1:10 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

Ah yes, good point on the filing! Sorry I didn't think of that sooner.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Sunday, September 22, 2024 1:06 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>

Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

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

Hi Karen,

This is unbelievably helpful! Thank you! I really appreciate the time and thought you put into your responses.

Ex. 5 AC/AWP/DP

Thanks again,
Paul

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Friday, September 20, 2024 8:32 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

I put in responses below.

CC'ing Abi here. I am going to be out of the country starting next Wednesday, I'll be back October 1. If things arise during the 4 days I'm out, please raise them to Abi and she can pull in others as needed to get you answers. And I'm around through Tuesday for anything.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Sunday, September 15, 2024 7:02 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: TX Ozone FFS - List of Questions

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

Hi Karen,

Below is the list of questions I hope you and the EPA team can help me with. I recognize that many of these questions are probably more than I have to know for the FFS oral argument, but this background knowledge will at minimum help me with understanding the reclassification petitions. Written responses would be most helpful for my studying purposes. But if it would be easier to talk through some of these, let me know. I would appreciate responses to these questions by the end of this week, if possible.

Ex. 5 AC/AWP/DP

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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Best,
Paul

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

[1] 73 FR 56983, at 56987 (October 1, 2008).
[2] Id., at 56991.

Message

From: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 10/1/2024 6:47:48 PM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]
Subject: RE: TX Ozone FFS - List of Questions

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Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, October 1, 2024 1:40 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: RE: TX Ozone FFS - List of Questions

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Ex. 5 AC/AWP/DP

I hope I'm getting that right.

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From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, October 1, 2024 1:09 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

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Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Tuesday, October 1, 2024 12:57 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: RE: TX Ozone FFS - List of Questions

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Hi Karen and Abi,

Ex. 5 AC/AWP/DP

Best,
Paul

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, September 25, 2024 9:57 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

Hi Paul – correct! [redacted] **Ex. 5 AC/AWP/DP**

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

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

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Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
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Ex. 5 AC/AWP/DP

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From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Tuesday, September 24, 2024 9:29 AM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>

Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

CUI//PRIVILEGE

Here is an internal write up I did on the RFP requirement recently for some briefings we had. I'm sharing this in case it's helpful for you. It includes citations if you want to check any of the source materials. If you want more detail beyond this, let me know. This is primarily focused on the Moderate RFP requirement.

Ex. 5 AC/AWP/DP

This is from a different briefing paper.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, September 23, 2024 3:41 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: TX Ozone FFS - List of Questions

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Hi Karen—can you send me whatever the best document/guidance is for me to understand EPA's interpretation of Reasonable Further Progress for ozone? It's probably more than I have to know, but I want to have at least a base understanding if the Court starts asking me about different elements.

Best,
Paul

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Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

Ah yes, good point on the filing! Sorry I didn't think of that sooner.

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To: Bianco, Karen <Bianco.Karen@epa.gov>

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Hi Karen,

This is unbelievably helpful! Thank you! I really appreciate the time and thought you put into your responses.

Ex. 5 AC/AWP/DP

Thanks again,
Paul

From: Bianco, Karen <Bianco.Karen@epa.gov>
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Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone FFS - List of Questions

I put in responses below.

CC'ing Abi here. I am going to be out of the country starting next Wednesday, I'll be back October 1. If things arise during the 4 days I'm out, please raise them to Abi and she can pull in others as needed to get you answers. And I'm around through Tuesday for anything.

From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Sunday, September 15, 2024 7:02 PM
To: Bianco, Karen <Bianco.Karen@epa.gov>
Cc: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
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Best,
Paul

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Ex. 5 AC/AWP/DP

Message

From: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]
Sent: 10/1/2024 8:15:55 PM
To: Bianco, Karen [Bianco.Karen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]
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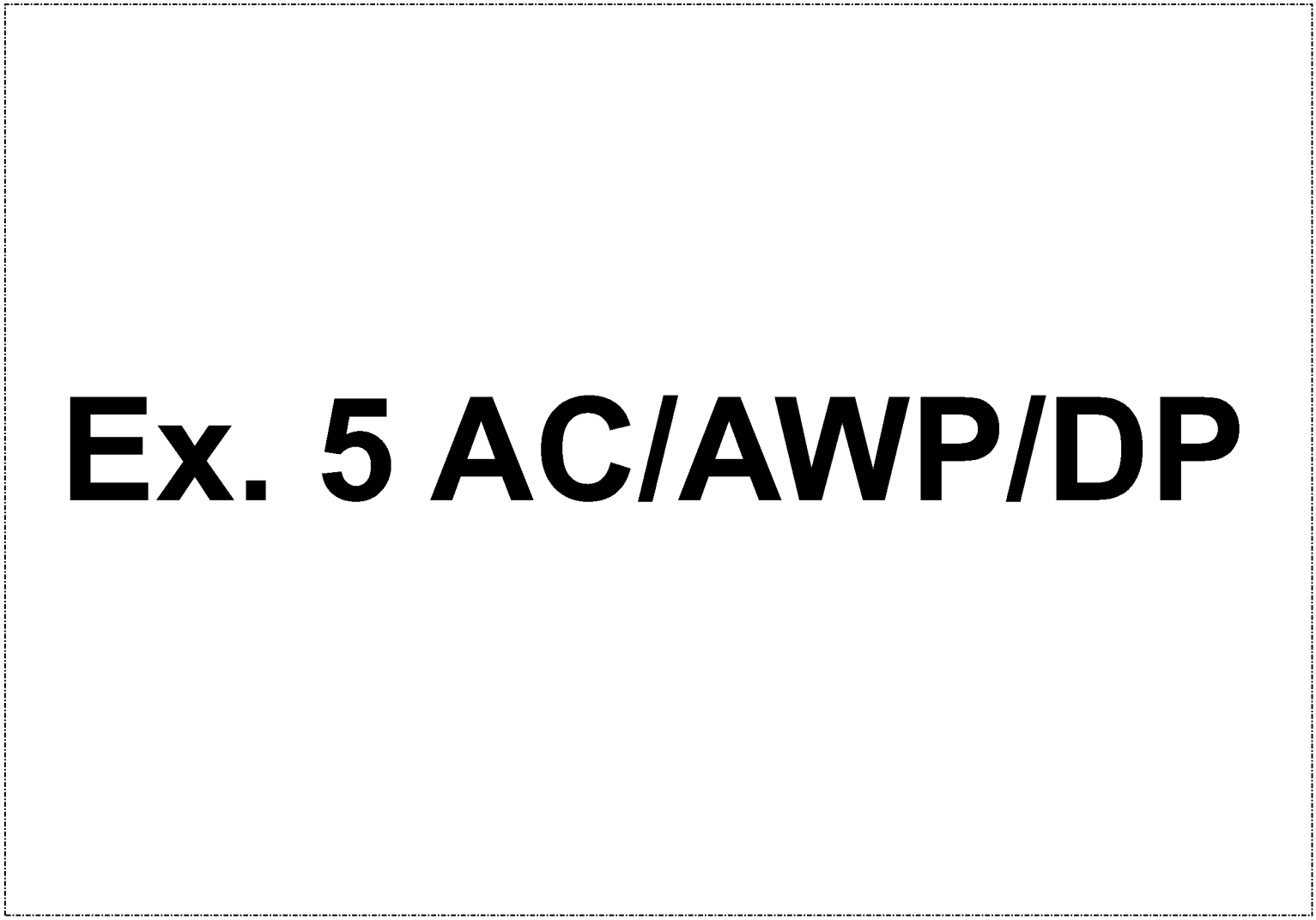

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Paul

Paul Caintic
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
(202) 514-2593

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 10/2/2024 3:59:57 PM
To: Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FYI - a key background document
Attachments: guidance_on_infrastructure_sip_elements_multipollutant_final_sept_2013 (2).pdf

G:

Hey. A couple of background things that you might want to take a look at in anticipation for our "Introduction to ISIPurgatory" discussion:

1. "Exhibit A" will be CAA section 110(a)(1) and (2).
2. "Exhibit B" will be the attached guidance document (which, beware, like many EPA guidance documents is full of pitfalls for the unwary, but nevertheless remains a key context document).

IMO, working on ISIPs is a great way to get familiar with the CAA in general, and the SIP program in particular, and you end up knowing about a lot of different arcane but important things that not everyone understands. It is also a good inoculation to be ready for some of the pernicious fevers that you will be exposed to later.

G

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/2/2024 5:25:19 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Hi David – Were you able to reach Brent before he took off this week? And any response to the July 31 counter?

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:35 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Got it, thanks.

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:35 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Yes.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:34 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Sounds good. **Ex. 5 AC/AWP/DP**

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:34 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks!

From: Lueders, Jesse (he/him/his)
Sent: Monday, September 30, 2024 4:42 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 2:52 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Ex. 5 AC/AWP/DP

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Monday, September 30, 2024 5:46 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 1:29 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: CCAEJ v. EPA, No. 24-05042; proposed final action date

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Hi EPA Team, see below from Brent. They countered with June 30, 2025 Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
if needed. I'm around to discuss. Thanks!

Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Monday, September 30, 2024 4:00 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No. 24-05042; proposed final action date

CONFIDENTIAL SETTLEMENT COMMUNICATION

David,

I was able to connect with my client representative this morning. CCAEJ appreciates EPA's offer of August 29, 2025 as a final action date. As I mentioned before, CCAEJ views the Heavy Duty I/M rule as an important component of the South Coast's plan to attain the 2015 8-hour ozone standard which is also pending before EPA for a final action. Accordingly, CCAEJ proposes a June 30, 2025 final action date to ensure EPA action on the rule before EPA action on the Plan.

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: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]
Sent: 10/2/2024 5:26:31 PM
To: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
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Ex. 5 AC/AWP/DP

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Wednesday, October 2, 2024 1:25 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:35 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Got it, thanks.

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:35 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Yes.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:34 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Sounds good. Ex. 5 AC/AWP/DP

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:34 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

Thanks!

From: Lueders, Jesse (he/him/his)
Sent: Monday, September 30, 2024 4:42 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 2:52 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Ex. 5 AC/AWP/DP

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Monday, September 30, 2024 5:46 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 1:29 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Hi EPA Team, see below from Brent. They countered with June 30, 2025 Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
if needed. I'm around to discuss. Thanks!

Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Monday, September 30, 2024 4:00 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No. 24-05042; proposed final action date

CONFIDENTIAL SETTLEMENT COMMUNICATION

David,

I was able to connect with my client representative this morning. CCAEJ appreciates EPA's offer of August 29, 2025 as a final action date. As I mentioned before, CCAEJ views the Heavy Duty I/M rule as an important component of the South Coast's plan to attain the 2015 8-hour ozone standard which is also pending before EPA for a final action. Accordingly, CCAEJ proposes a June 30, 2025 final action date to ensure EPA action on the rule before EPA action on the Plan.

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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This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited.

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 10/7/2024 12:51:33 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Follow up - MRR requirements NC RH SIP
Attachments: NCDAQ_Round2_RH_SIP_Commitment_Letter_v2_073024.pdf; Comments received_2024-09-24.zip; PCS Permit General Conditions - SIP Final.pdf

CUI//PRIVILEGE

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

NC MRR PE Comments.docx

(adding Abi for awareness – welcome back Abi!! 😊)

Ex. 5 AC/DP

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From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, October 4, 2024 3:41 PM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

I am sure that they are not aware of the comments. I don't mind sharing this summary with them, but should we discuss OGC's position before discussing with the OAQPS reporting team?

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

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, October 4, 2024 2:30 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Thanks, Yasmin. From a quick look at the comment summary, these seem to be some of the most detailed adverse comments on reporting I've seen.

Do you know if the OAQPS reporting folks have been looped in on these reporting-related comments yet?

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From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, October 4, 2024 2:15 PM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP
Importance: High

CUI//PRIVILEGE

Hi team –

We recently received comments in response to the NC NPRM for the state's second planning period SIP. As you know, we proposed to do a partial-conditional approval.

e

Ex. 5 AC/DP

I.B Reporting Requirements for Permit Deviations 15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

1. "Permit Deviations" - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.
2. Pursuant to 15A NCAC 02Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) **quarterly** by notifying the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 02D .0535. A written report to the Regional Supervisor **shall include the probable cause of such deviation and any corrective actions or preventative actions taken.** The responsible official shall certify all deviations from permit requirements.

Ex. 5 AC/DP

P. Compliance Certification [15A NCAC 02Q .0508(n)]
The Permittee shall submit to the DAQ and the EPA (Air Enforcement Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303 or through the EPA CEDRI) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all terms and conditions in the permit (including emissions limitations, standards, or work practices), except for conditions identified as being State-enforceable Only. It shall be the responsibility of the current owner to submit a compliance certification for the entire year regardless of who owned the facility during the year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:
1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);
3. whether compliance was continuous or intermittent;
4. the method(s) used for determining the compliance status of the source during the certification period;
5. each deviation and take it into account in the compliance certification; and
6. as possible exceptions to compliance, any periods during which compliance

Ex. 5 AC/DP

X. Annual Emission Inventory Requirements [15A NCAC 02Q .0207]
The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 02Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Ex. 5 AC/DP

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

Controlled by U.S. Environmental Protection Agency

From: Perez Ortiz, Yasmin
Sent: Tuesday, May 7, 2024 1:42 PM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

Hi all –

Ex. 5 AC/DP

I appreciate your help,

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: Perez Ortiz, Yasmin
Sent: Friday, April 26, 2024 10:20 AM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CC'ing Emily Seidman since I will be out of the office from 4/29th through 5/2nd.

Hi team!

Ex. 5 AC/DP

Ex. 5 AC/DP

I.A Reporting Requirements for Excess Emissions 15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

1. "Excess Emissions" - means an emission rate that exceeds any applicable emission limitation o r standard allowed by any rule in Sections .0500, .0900, .1200, or .1400 of Subchapter 02D; **or by a permit condition**; or that exceeds an emission limit established in a permit issued under 15A NCAC 02Q .0700. *(Note: Definitions of excess emissions under 02D .1110 and 02D .1111 shall apply where defined by rule.)*

2. If a source is required to report excess emissions under NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or the operating permit provides for periodic (e.g., quarterly) reporting of excess emissions, reporting shall be performed as prescribed therein.

3. If the source is not subject to NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or these rules do NOT define "excess emissions," the Permittee shall report excess emissions in accordance with 15A NCAC 02D .0535 as follows:

a. Pursuant to 15A NCAC 02D .0535, if excess emissions last for more than four hours resulting from a malfunction, a breakdown of process or control equipment, or any other abnormal condition, the owner or operator shall:

i. notify the Regional Supervisor or Director of any such occurrence by 9:00 a.m. Eastern Time of the Division's next business day of becoming aware of the occurrence and provide:

- name and location of the facility;
- nature and cause of the malfunction or breakdown;
- time when the malfunction or breakdown is first observed;
- expected duration; and
- estimated rate of emissions;

ii. notify the Regional Supervisor or Director immediately when corrective measures have been accomplished; and

iii. the Regional Supervisor or Director within 15 days a written report as described in 15A NCAC 02D .0535(f)(3).

Ex. 5 AC/DP

Ex. 5 AC/DP

I.B Reporting Requirements for Permit Deviations 15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

1. "Permit Deviations" - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.
2. Pursuant to 15A NCAC 02Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) **quarterly** by notifying the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 02D .0535. A written report to the Regional Supervisor **shall include the probable cause of such deviation and any corrective actions or preventative actions taken.** The responsible official shall certify all deviations from permit requirements.

Ex. 5 AC/DP

O. Retention of Records 15 NCAC 02Q .0508(f) and 02Q .0508(l)]

The Permittee shall retain records **of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit.** These records shall be maintained in a form suitable and readily available for expeditious inspection and review. Any records required by the conditions of this permit shall be kept on site and made available to DAQ personnel for inspection **upon request.**

available to DAQ personnel for inspection upon request.

Ex. 5 AC/DP

P. Compliance Certification [15A NCAC 02Q .0508(n)]

The Permittee shall submit to the DAQ and the EPA (Air Enforcement Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303 or through the EPA CEDRI) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all terms and conditions in the permit (including emissions limitations, standards, or work practices), except for conditions identified as being State-enforceable Only. It shall be the responsibility of the current owner to submit a compliance certification for the entire year regardless of who owned the facility during the year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:

1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);
3. whether compliance was continuous or intermittent;
4. the method(s) used for determining the compliance status of the source during the certification period;
5. each deviation and take it into account in the compliance certification; and
6. as possible exceptions to compliance, any periods during which compliance

Ex. 5 AC/DP

X. Annual Emission Inventory Requirements [15A NCAC 02Q .0207]

The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 02Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Ex. 5 AC/DP

Thank you for all your help with this!

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: James, Corin <James.Corin01@epa.gov>
Sent: Friday, April 12, 2024 4:00 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Ex. 5 AC/DP

Let us know if it would be helpful to have another call to touch base on this.

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From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, April 12, 2024 2:40 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Hi Corin!

I am sorry to bother you with this issue again but the ORC attorney for the region is working on a briefing for the RA.

Is there anything you can share about the briefing?

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

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 11, 2024 2:27 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Thank you! Our meeting with him earlier in the week was my first introduction to him… he is a character!

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From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, April 11, 2024 2:26 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Good luck!!

Thanks!

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

she/her/hers

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, April 11, 2024 2:24 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Hi Yasmin – not yet, unfortunately. But we have a follow up meeting with Peter at 4pm today, so stay tuned. I'll keep you posted!

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From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, April 11, 2024 1:36 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Good afternoon, Corin.

I am reaching out to see if, based on this week's briefings, you are in a position to provide more details about my reporting questions.

Thank you for all you help!

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

Controlled by U.S. Environmental Protection Agency

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, April 5, 2024 2:44 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>

Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Follow up - MRR requirements NC RH SIP

CUI//PRIVILEGE

Hi Yasmin,

I'll provide some thoughts below, but I'm sure Geoff will want to weigh in too next week.

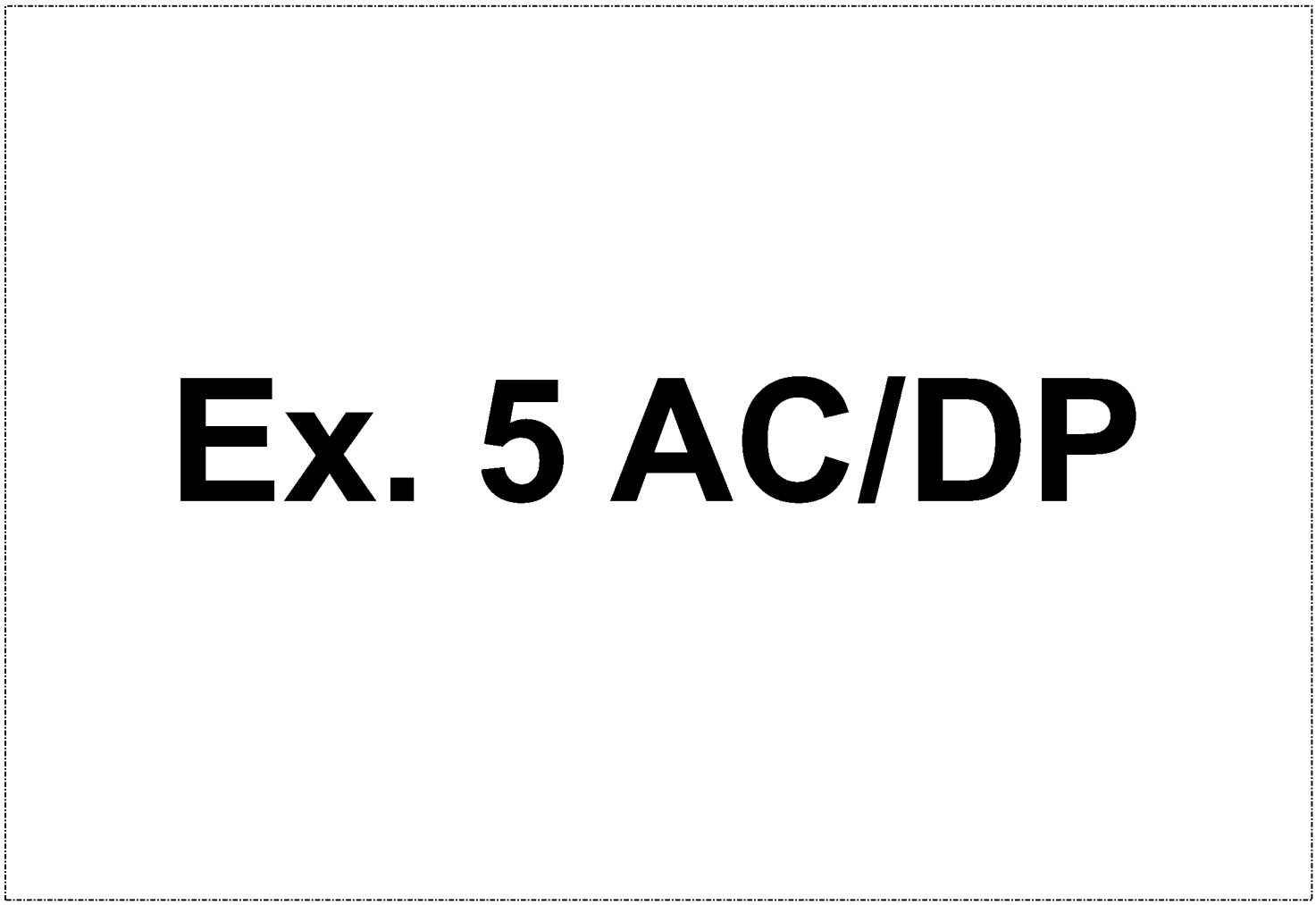
Thanks for your careful attention to this and trying to make sure we are consistent in our advice!

Corin

Controlled by U.S. Environmental Protection Agency

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, April 3, 2024 2:52 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: Follow up - MRR requirements NC RH SIP

Geoff and Corin –



Ex. 5 AC/DP

Thanks!

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

she/her/hers

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 10/7/2024 5:56:24 PM
To: Ling, Michael [Ling.Michael@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: Adverse reporting comments: NC Regional Haze
Attachments: NCDAQ_Round2_RH_SIP_Commitment_Letter_v2_073024.pdf; Comments received_2024-09-24.zip; PCS Permit General Conditions - SIP Final.pdf

CUI//PRIVILEGE

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

NC MRR PE Comments.docx

Hello reporting team, our regional haze colleagues shared the attached with us and we are passing along to you as well.

Ex. 5 AC/DP

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Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/7/2024 7:06:16 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

That's great! Thank, you David. I'll let our team know.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, October 7, 2024 11:50 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

> **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

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Wednesday, October 2, 2024 1:25 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:35 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Got it, thanks.

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:35 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Yes.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Tuesday, October 1, 2024 8:34 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Sounds good Ex. 5 AC/AWP/DP

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Tuesday, October 1, 2024 11:34 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

Thanks!

From: Lueders, Jesse (he/him/his)
Sent: Monday, September 30, 2024 4:42 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 2:52 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

> **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

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Monday, September 30, 2024 5:46 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: CCAEJ v. EPA, No. 24-05042; proposed final action date

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Monday, September 30, 2024 1:29 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: FW: CCAEJ v. EPA, No. 24-05042; proposed final action date

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

Hi EPA Team, see below from Brent. They countered with June 30, 2025. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP
if needed. I'm around to discuss. Thanks!

Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Monday, September 30, 2024 4:00 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] CCAEJ v. EPA, No. 24-05042; proposed final action date

CONFIDENTIAL SETTLEMENT COMMUNICATION

David,

I was able to connect with my client representative this morning. CCAEJ appreciates EPA's offer of August 29, 2025 as a final action date. As I mentioned before, CCAEJ views the Heavy Duty I/M rule as an important component of the South Coast's plan to attain the 2015 8-hour ozone standard which is also pending before EPA for a final action. Accordingly, CCAEJ proposes a June 30, 2025 final action date to ensure EPA action on the rule before EPA action on the Plan.

Regards,
Brent

Brent Newell
Law Office of Brent J. Newell
245 Kentucky Street, Suite A4
Petaluma, CA 94952
(661) 586-3724

PRIVILEGE AND CONFIDENTIALITY NOTICE
This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited.

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 10/7/2024 8:26:54 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: For Your Review: Draft Responses to LADCO Questions on PM2.5 Precursor Demonstrations
Attachments:2019 Precursor Guidance.pdf

Perez Ortiz, Yasmin has shared a OneDrive for Business file with you. To view it, click the link below.

LADCO Questions on PM2.5 Precursor Demonstration.docx

Abi –

Ex. 5 AC/DP

I noticed that Geoff was not included in this email (see below). Should I review without him?

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: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, October 7, 2024 3:45 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Benedict, Kristen <Benedict.Kristen@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Evangelista, Mark <Evangelista.Mark@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Cc: Kelly, James (he/him/his) <kelly.james@epa.gov>; Baublitz, Colleen (she/her/hers) <Baublitz.Colleen@epa.gov>; Beaver, Melinda <Beaver.Melinda@epa.gov>; Gantt, Brett <Gantt.Brett@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>
Subject: RE: For Your Review: Draft Responses to LADCO Questions on PM2.5 Precursor Demonstrations

Apologies for the mistake below: **we are requesting your review by noon on 10/15.**

Stephen

From: Senter, Stephen
Sent: Monday, October 7, 2024 3:39 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Benedict, Kristen <Benedict.Kristen@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Evangelista, Mark <Evangelista.Mark@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Cc: Kelly, James (he/him/his) <kelly.james@epa.gov>; Baublitz, Colleen (she/her/hers) <Baublitz.Colleen@epa.gov>; Beaver, Melinda <Beaver.Melinda@epa.gov>; Gantt, Brett <Gantt.Brett@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>
Subject: For Your Review: Draft Responses to LADCO Questions on PM2.5 Precursor Demonstrations

Hi Everyone,

Ex. 5 AC/DP

Thanks,

Stephen

Message

From: Clark, Adam [Clark.Adam@epa.gov]
Sent: 10/7/2024 9:18:44 PM
To: Lawrence, Sydney [lawrence.sydney@epa.gov]
CC: Cherry, Randall [Cherry.Randall@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Vetter, Cheryl [Vetter.Cheryl@epa.gov]
Subject: FW: SIGNED: Revisions to Billings/Laurel, Montana Sulfur Dioxide (SO2) Federal Implementation Plan
Attachments: 11571-01-R8_20241002_Billings Laurel FIP Revision PR_ADMIN.docx

FYI, the Billings/Laurel SO2 FIP Revision (SSM-related) proposal was just signed by the Administrator. I'll let you all know when it publishes. Thanks for your help getting it to this point!

Adam Clark
Air Planning and Regulatory Section
EPA Region 8

From: Weyer, Erica <weyer.erica@epa.gov>
Sent: Monday, October 7, 2024 2:56 PM
To: Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Cc: Clark, Adam <Clark.Adam@epa.gov>; Zull, Aaron <zull.aaron@epa.gov>; Sandoval, Adrienne <Sandoval.Adrienne@epa.gov>; Jackson, Scott (he/him/his) <Jackson.Scott@epa.gov>; McEathron, Kimberly (she/her/hers) <McEathron.Kimberly@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Hooper, Daniel (he/him/his) <hooper.daniel@epa.gov>; Zinsmeister, Emma (she/her/hers) <Zinsmeister.Emma@epa.gov>; Truesdell, Rod (he/him/his) <Truesdell.Rod@epa.gov>; Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>; Manzanares, Candice <Manzanares.Candice@epa.gov>; Dobrahner, Jaslyn <Dobrahner.Jaslyn@epa.gov>; Jackson, Scott (he/him/his) <Jackson.Scott@epa.gov>
Subject: SIGNED: Revisions to Billings/Laurel, Montana Sulfur Dioxide (SO2) Federal Implementation Plan

Good afternoon,

Please find attached the proposed Revisions to Billings/Laurel, Montana Sulfur Dioxide (SO2) Federal Implementation Plan, signed by Administrator Regan today.

Erica Weyer (she/her)
Special Assistant for Air and Water
Office of the Administrator
U.S. Environmental Protection Agency

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

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 10/8/2024 2:18:36 AM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: Addressing SSM comments - NC RH SIP
Attachments: RH NC NPRM2024-1849.pdf

CUI//PRIVILEGE

Geoff –

Ex. 5 AC/DP Please find attached the pdf version of the proposal. Here is the link: https://www.federalregister.gov/documents/2024/08/20/2024-18495/air-plan-approval-north-carolina-second-period-regional-haze-plan

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

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, October 7, 2024 7:50 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Addressing SSM comments - NC RH SIP

AV:

Ex. 5 AC/DP

Ex. 5 AC/DP

G

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, October 7, 2024 5:47 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Addressing SSM comments - NC RH SIP

Ex. 5 AC/DP

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

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

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

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, October 7, 2024 5:42 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: Addressing SSM comments - NC RH SIP

Hi all –

Ex. 5 AC/DP

Ex. 5 AC/DP

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

she/her/hers

Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 10/10/2024 3:32:11 PM
To: Leers, Ben (he/him/his) [Leers.Ben@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]; 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]; 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]; 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]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Scofield, Steven [Scofield.Steve@epa.gov]; Selbst, Elizabeth [selbst.elizabeth@epa.gov]; Shar, Alan [shar.alan@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Snyder, Erik [snyder.erik@epa.gov]; Sorrels, Larry [Sorrels.Larry@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Stein, Joseph (he/him/his) [stein.joseph@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Stone, William [stone.william@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Talley, David [Talley.David@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Timin, Brian [Timin.Brian@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tonnesen, Gail [Tonnesen.Gail@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Uher, Thomas (he/him/his) [uher.thomas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vit, Wendy (she/her/hers) [Vit.Wendy@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Vargas, Ricardito [vargas.ricardito@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; 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]; Curley, Michael [Curley.Michael@epa.gov]

CC: Durch, Kyle [Durch.Kyle@epa.gov]; Corcoran, Katherine (she/her/hers) [Corcoran.Katherine@epa.gov]; Sears, Owen (he/him/his) [Sears.Owen@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; DeLay, Robert [Delay.Robert@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]

Subject: Monthly Transport SIP Workgroup Call - Oct 10 Agenda added
Attachments: 2024_Oct-10-Transport Call Agenda.docx
Location: Microsoft Teams Meeting

Start: 10/10/2024 6:00:00 PM
End: 10/10/2024 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: Leers, Ben (he/him/his); 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 (she/her/hers); Ferreira, Nicholas (he/him/his); Fisher, Brian; Fortin, Kelly; Gallagher, Shirin; Gallegos, Jacob; Garcia, Ariel; Goold, Megan (she/her/hers); Graham, AshleyR (she/her/hers); Greene, Cynthia (she/her/hers); Haeuber, Richard; 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; Lifland, David; Lingard, Robert (he/him/his); Lohrke, Gregory; Mackintosh, David; Magee, Melanie; Mark, Jeremy; Mastro, Donna; Matichuk, Rebecca; McConnell, Robert; McHale, Mary; McKinley, Gobeail; McWilliams, Anne K.; Medina, Dayana; Mercado, Edgar; Mocka, Corey; Murray, Beth; Nann, Barbara; Palma, Elizabeth; Parke, Nicolas; Pepple, Karl; Perez, Idalia (she/her/hers); Pitre, Randy; Possiel, Norm (he/him/his); Powers, Garrett (he/him/his); Prentice, Amanda; Rennie, Gary; Rogan, John (he/him/his); Ruan-Lei, Karolina; Rucki, Thomas; Salem, Nevine; Schmitt, Ellen (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Scofield, Steven; Selbst, Elizabeth; Shar, Alan; Smith, Noah; Snyder, Erik; Sorrels, Larry; Spann, Jane; Spenillo, Justin; Stein, Joseph (he/him/his); Stenhouse, Jeb; Stone, William; Svingen, Eric; Talley, David; Thrift, Mike; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Triplett, Eric; Uher, Thomas (he/him/his); Vijayan, Abi; Villatora, Liliana; Vit, Wendy (she/her/hers); Walther, Katherine; Wells, Benjamin; Wieber, Kirk; Wilcox, Geoffrey; Wiley, Adina; Wong, Richard; Hong, Jeanhee; Ruvo, Richard (he/him/his); Vargas, Ricardito; Vaupel, Claudia; Thomas, Ronald; 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 (she/her/hers); Meyer, Jonathan; Rutherford, Robert; Lillis, Patrick; Fradkin, Kenneth; Kosin, Michele; Curley, Michael

Optional Attendees: Durch, Kyle; Corcoran, Katherine (she/her/hers); Sears, Owen (he/him/his); Snyder, Doug; DeLay, Robert; Martinez, Michael

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

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

Microsoft Teams meeting

Ex. 6 Personal Privacy (PP)

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

Learn More | Meeting options

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 10/10/2024 3:32:47 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FYI on section 110(l)
Attachments: legal memo - EPA-HQ-OAR-2012-0322-0029_content (002).pdf; 78FedReg9 (1).pdf

L and S:

Ex. 5 AC/DP

You may already have taken this one into account, but mentioning just in case.

Appointment

From: Sindlinger, Terry (she/her/hers) [Sindlinger.Terry@epa.gov]
on behalf of Weaver, Susannah [Weaver.Susannah@epa.gov]
Sent: 10/15/2024 4:49:40 PM
To: OGC ARLO [OGC_ARLO@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; McGuire, James (he/him/his) [McGuire.James@epa.gov]
CC: Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]; Weatherall, Grace [Weatherall.Grace@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]; Greenfield, Meghan [Greenfield.Meghan@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Averback, Jonathan [Averback.Jonathan@epa.gov]; Bennett, Jesse [Bennett.Jesse@epa.gov]; Gibson, Monica [Gibson.Monica@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Okoye, Winifred [Okoye.Winifred@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]; Branning, Amy [Branning.Amy@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Leiter, Amanda [Leiter.Amanda@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Azeizat, Rachel (she/her/hers) [Azeizat.Rachel@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Cottingham, Laura [Cottingham.Laura@epa.gov]; James, Corin [James.Corin01@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Maiolatesi, Ashley [Maiolatesi.Ashley@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Michaels, Lauren (she/her/hers) [Michaels.Lauren@epa.gov]; Wittig, Mackenzie [Wittig.Mackenzie@epa.gov]; Guda, Marcus [Guda.Marcus@epa.gov]; Scheichet, Amanda [Scheichet.Amanda@epa.gov]; Strickland, Samuel [Strickland.Samuel@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Orlin, David [Orlin.David@epa.gov]

Subject: ARLO Reg Review
Attachments: Agenda for 10-15 200pm meeting for ARLO Reg Review.pdf
Location: Microsoft Teams ; DCRoomWJCN4045-OGC; DCRoomWJCN4045Cart/OGC

Start: 10/15/2024 6:00:00 PM
End: 10/15/2024 6:50:00 PM
Show Time As: Tentative

Recurrence: Weekly
Occurs every Tuesday from 2:00 PM to 2:50 PM effective 1/10/2023 until 6/24/2025. (UTC-05:00) Eastern Time (US & Canada)
Required Attendees: OGC ARLO; Talbert, Stephanie; Payne, James; McGuire, James (he/him/his)
Optional Attendees: Chaudhary, Dimple; Weatherall, Grace; Dubey, Susmita; Greenfield, Meghan; Lee, Michael (he/him/his); Perez Ortiz, Yasmin; Bianco, Karen; Averback, Jonathan; Bennett, Jesse; Gibson, Monica; Williams, Melina; Pettit, Elizabeth (Libby); Thrift, Mike; Kaban, Rosemary; Anderson, Lea (she/her/hers); Okoye, Winifred; Mills, Derek; Miller, Meredith; Graham, Cheryl; Branning, Amy; Hogan, Stephanie (she/her/hers); Nolbaum, Seth (he/him/his); Stahle, Susan; Schramm, Daniel; Vijayan, Abi; Srinivasan, Gautam; Orlin, David; Li, Ryland (Shengzhi); Leiter, Amanda; Marks, Matthew; Seidman, Emily; Garfinkle, Stacey; Kerr, Hali (she/her/hers); Carrillo, Andrea; Doster, Brian; Azeizat, Rachel (she/her/hers); Wilcox, Geoffrey; Durch, Kyle; Greenglass, Nora; Ting, Kaytrue; Schwarz, Matthew; Cottingham, Laura; James, Corin; McNerney, Matthew; Hong, Jeanhee; Maiolatesi, Ashley; Smith, Isabella; Michaels, Lauren (she/her/hers); Wittig, Mackenzie; Guda, Marcus; Scheichet, Amanda; Strickland, Samuel; Gerstenberger, Erika

POC: Marcus Guda

Microsoft Teams meeting

Ex. 6 Personal Privacy (PP)

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

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Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 10/16/2024 2:38:49 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

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

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 10:24 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/AWP/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, October 16, 2024 10:20 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Hi Kaytrue,

Ex. 5 AC/AWP/DP

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

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

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From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 10:13 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, October 16, 2024 10:08 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: FW: Heads Up on Louisville Ozone

FYI, though the email assures that you are aware of this situation and will not be surprised.

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

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

Sent from my iPhone

Begin forwarded message:

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

Good morning Jeaneanne:

Ex. 5 AC/DP

Ex. 5 AC/AWP/DP

Denisse

Message

From: McKinley, Gobeail [McKinley.Gobeail@epa.gov]
Sent: 10/16/2024 4:26:03 PM
To: Patulski, Meg [patulski.meg@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]
Subject: RE: Heads Up on Louisville Ozone
Attachments: LouisvilleKY_EMBER_analysis.pptx

Hi,

Ex. 5 AC/AWP/DP

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

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

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

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 10:46 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>;

Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: Heads Up on Louisville Ozone

Hi all,

Ex. 5 AC/AWP/DP

Thanks,
Kaytrue

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

Sent from my iPhone

Begin forwarded message:

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

Good morning Jeaneanne:

Ex. 5 AC/AWP/DP

Denisse

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/16/2024 7:26:11 PM
To: Leiter, Amanda [Leiter.Amanda@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: FAR Materials Distribution: "Ecological Effects of NOx, SOx and PM Secondary NAAQS Review" (SAN 5788 / Final Rule / OAR)
Attachments: FAR Memo NOxSOxPM Secondary NFR 10 10 2024 (003).pdf; Memo-ESAandSO2-SecondaryNAAQS-Decision-NoEffect_1015-w_attach.pdf; RTCdocument_Oct16-2024-FAR.docx; Secondary NOx SOx PM NAAQS Review Technical Memorandum 10_15_2024.pdf; 2024_10_15_ ORD RTP Provisional Memo.pdf; NOxSOxPM NFR-FAR COPY.docx; DRAFT OCT 5788 NOxSOxPM NAAQS Review NFR Action Memo.docx; Sales et al 2024 NOxSOxPM Tech Memo Final Signed.pdf

Amanda,

Ex. 5 AC/DP

FAR is scheduled for Wednesday (10/23) so if you have comments we'd appreciate getting them by Tuesday 10/22 and/or we can check in at ARLO reg review that day.

Thanks,

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

From: Garwood, Gerri (she/her/hers) <Garwood.Gerri@epa.gov>
Sent: Wednesday, October 16, 2024 3:04 PM
To: Linker, Lewis <Linker.Lewis@epa.gov>; Heninger, Brian <Heninger.Brian@epa.gov>; Pordesimo, Kristine <Pordesimo.Kristine@epa.gov>; Long, Russell <Long.Russell@epa.gov>; Greaver, Tara <Greaver.Tara@epa.gov>; Lamson, Amy (she/her/hers) <Lamson.Amy@epa.gov>; Benner, Tim <Benner.Tim@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Tennant, Ginger <Tennant.Ginger@epa.gov>; Wesson, Karen <Wesson.Karen@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Farrar, Wanda <farrar.wanda@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Miles-Mclean, Stuart <Miles-Mclean.Stuart@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Krause, Tamara <Krause.Tamara@epa.gov>; Petuya, Lauren <Petuya.Lauren@epa.gov>; Garwood, Gerri (she/her/hers) <Garwood.Gerri@epa.gov>
Subject: EAMS - FAR Materials Distribution: "Ecological Effects of NOx, SOx and PM Secondary NAAQS Review" (SAN 5788 / Final Rule / OAR)

Please review the attached Final Agency Review files for: "Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter" (SAN 5788 / Final Rule / OAR). This action has an expedited FAR. This is a Tier 1 action, and EPA is under a consent decree for this review to sign the final rule by December 10, 2024.

Message

From: Mann, Martha (ENRD) [Martha.Mann@usdoj.gov]
Sent: 10/17/2024 12:59:44 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: New deadline suit
Attachments: US_DIS_KYWD_3_24cv600_d34972177e912_COMPLAINT_against_Michael_S_Regan_U_S_EPA_U_S_Envi.pdf

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

Hi Abi –

This case popped up on my tracker this morning. Can you let me know who at EPA will handle? I will assign an attorney asap.

Thanks,
Martha

Martha C. Mann
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.514.2664

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 10/17/2024 1:52:29 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Docket Alert for the Case of Commonwealth Of Kentucky Et Al V. U.S. Environmental Protection Agency Et Al

So speedy! And yes, I can be the lead on both.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, October 17, 2024 9:08 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Docket Alert for the Case of Commonwealth Of Kentucky Et Al V. U.S. Environmental Protection Agency Et Al

Just found the NOI!

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

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

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From: Vijayan, Abi
Sent: Thursday, October 17, 2024 9:03 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: FW: Docket Alert for the Case of Commonwealth Of Kentucky Et Al V. U.S. Environmental Protection Agency Et Al

Hi Kaytrue,

The complaint for the Kentucky redez deadline suit just came in, can I ask you to take the lead on both the suit and the underlying action? If you're able to take on the deadline suit, could you please give both OAQPS and R4 (both program and ORC) a heads up?

Also, Cheryl is asking if we have a copy of the NOI – I'm about to go diving into my inbox, but if you happen to have a copy handy please send it my way! Thank you!

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

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

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

From: Graham, Cheryl <Graham.Cheryl@epa.gov>
Sent: Thursday, October 17, 2024 8:41 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>

Subject: FW: Docket Alert for the Case of Commonwealth Of Kentucky Et Al V. U.S. Environmental Protection Agency Et Al

Good Morning Abi,

I believe this complaint belongs in your group. According to the complaint we received an NOI on or around May 31, 2024. Do you have a copy of the complaint because it's not in the NOI database.

Thanks,
Cheryl

From: OGCLibrary <OGCLibrary@epa.gov>
Sent: Thursday, October 17, 2024 7:38 AM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>; Graham, Cheryl <Graham.Cheryl@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Docket Alert for the Case of Commonwealth Of Kentucky Et Al V. U.S. Environmental Protection Agency Et Al

Good morning,

Alert attached for case 24-600.

Regards,

Kate McAtloon
OGC Librarian, Contractor – ADS Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
Library Hours: 9:30 to 4

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 10/17/2024 2:30:43 PM
To: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Louisville redesignation deadline suit
Attachments: Kentucky complaint.pdf; NOI Louisiville Redesignation FINAL.pdf

Hi all,

Ex. 5 AC/AWP/DP

We don't yet have a DOJ attorney assigned, but we have heard from them and likely will in short order.

Thanks,
Kaytrue

Message

From: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 10/17/2024 2:56:47 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]
Subject: RE: FYI on necessary or appropriate
Attachments: TX Ch 111 Comments_All Notes.docx

Ex. 5 AC/DP Here's a doc with all of the comments in word if you want to do a quick check, Corin!

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, October 17, 2024 10:48 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: FYI on necessary or appropriate

Your mention of TX reminded me of an unrelated question I have – Ex. 5 AC/DP
Ex. 5 AC/DP

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

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

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

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Thursday, October 17, 2024 10:34 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; James, Corin <James.Corin01@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: FYI on necessary or appropriate

Ex. 5 AC/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, October 17, 2024 9:41 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; James, Corin <James.Corin01@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FYI on necessary or appropriate

Gang:

See the margin of safety section of this story:

https://insideepa.com/daily-news/democratic-ags-environmentalists-defend-epa-cost-bar-naaqs-rules?utm_medium=mh

Ex. 5 AC/DP

G

Message

From: graham.cheryl@epa.gov [graham.cheryl@epa.gov]
Sent: 10/18/2024 10:40:38 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: A Notice of Citizen Suit Requires Your Attention as PGL

NCS Number: 2024-EPA-027

As the PGL for this notice, you must assign an attorney to the case. Please perform these steps to assign an attorney:<\p>

- Click the link below to see the notice form
- Click on the Attorney Info tab
- Edit the Assigned OGC Attorney
- Click the Apply Changes button in the upper right to save changes

Link: 2024-EPA-027, on behalf of Commonwealth of Kentucky

Message

From: graham.cheryl@epa.gov [graham.cheryl@epa.gov]
Sent: 10/18/2024 10:57:20 AM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: One OGC Docket Case Requires Your Attention as PGL/Team Leader

Hello Abi Vijayan,

The Case issue is: failure to act on the Commonwealth's Request to Redesignate Kentucky Counties within the Louisville, KY-IN 2015 8-Hour Ozone Nonattainment Area.

As the PGL/Team Leader for this issue, you must assign an attorney to the case. Please perform these steps to assign an attorney:

- Click the link below to see the case form
- Click the Edit button
- On the Attorneys tab, choose an Assigned OGC Attorney
- Click the Save or Save & Close button

Regards,
Cheryl Graham

Link: Commonwealth of Kentucky, et al. - Case No. 3:24-cv-00600-CHB

Message

From: haskins.antonio@epa.gov [haskins.antonio@epa.gov]
Sent: 10/18/2024 11:09:20 AM
To: OGC IT Team [OGC_IT_Team@epa.gov]
CC: Haskins, Antonio [Haskins.Antonio@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: NOI has been Posted to the Web

The following NOI has been posted to the web:

NCS Number: 2024-EPA-027
General Description: failure to act on the Commonwealth's Request to Redesignate Kentucky Counties within the Louisville, KY-IN 2015 8-Hour Ozone Nonattainment Area
Date Received: 03-JUN-2024 06:34AM
Statute: CAA
On Behalf Of: Commonwealth of Kentucky

Link: 2024-EPA-027, on behalf of Commonwealth of Kentucky

Message

From: haskins.antonio@epa.gov [haskins.antonio@epa.gov]
Sent: 10/18/2024 11:44:13 AM
To: OGC IT Team [OGC_IT_Team@epa.gov]
CC: Graham, Cheryl [Graham.Cheryl@epa.gov]; Haskins, Antonio [Haskins.Antonio@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Complaint Associated with an NOI has been Posted to the Web

The following complaint has been posted to the web:

Date Received: 10/17/2024 07:45 AM
Statute: CAA; Clean Air Act
On Behalf Of: Commonwealth of Kentucky, et al.
General Description: failure to act on the Commonwealth's Request to Redesignate Kentucky Counties within the Louisville, KY-IN 2015 8-Hour Ozone Nonattainment Area
Associated NOI: CAA [06/03/2024] Commonwealth of Kentucky >> failure to act on the Commonwealth' (more..)

Link: Complaint

OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20460

October 7, 2024

MEMORANDUM

SUBJECT: Second Revised Recusal Statement

FROM: Dimple Chaudhary
Acting General Counsel

DIMPLE CHAUDHARY
Digitally signed by DIMPLE CHAUDHARY
Date: 2024.10.10 12:39:01 -04'00'

TO: Michael S. Regan
Administrator

I am updating my previously issued recusal statement dated September 9, 2022, to reflect my new position as Acting General Counsel. I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have my own attorney bar obligations.

ATTORNEY BAR OBLIGATIONS

In addition to the pledge restrictions involving my former client, NRDC, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics. Set forth below are the cases pending at EPA in which I participated and from which I am recused for the entirety of my tenure at EPA:

CASE NAME and/or SUBJECT MATTER	CITATION and/or DESCRIPTION:
Consent Decree Implementation of Agency's failure to issue a worst-case spill regulation for non-transportation-related-substantial-harm facilities	*Environmental Justice Health Alliance for Chemical Policy Reform, NRDC, et al. v. EPA*, Case No. 19-cv-2516, SDNY
Challenge to methylene chloride rule	*Labor Council for Latin America, NRDC, et al. v. EPA*, Case No. 19-1042, 2d Cir.
Challenge to use of tetrachlorvinphos on pets	*NRDC v. Wheeler*, Case No. 20-72794, 9th Cir.
Case involving tort claims related to Flint water crisis	*Walters v. Flint, EPA, et al.*, Case No. 17-10164, E.D. Mich.[1]

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial interests change.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal ethics rules, I understand that I have a covered relationship with certain individuals and entities. *See* 5 C.F.R. 2635.502(b)(1). Among these covered relationships, I have covered relationships with any person who is a member of my household, or who is a relative with whom I have a close personal relationship, or any person for whom my spouse, parent, or child is, to my knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant,

[1] In addition to my bar obligation, I realize that I also have a loss of impartiality issue because spouse's firm is a party to this specific party matter.

FOIA No. 2025-EPA-09254 ED_020431_00002298-00002

contractor or employee. *See* 5 C.F.R. § 2635.502(b)(1)(ii) and (iii). I therefore have a covered relationship with my spouse and my spouse's employer, the law firm **Motley Rice**.

I am aware of the following cases involving EPA in which my husband's firm is also a party or represents a party. I have advised OGC/Ethics that my spouse, who is a salaried employee of the firm, is not himself participating in any of these cases and his practice is unrelated to environmental law. However, to avoid even the appearance of any loss of impartiality, I will not participate in any of the cases identified below unless I first seek and obtain an impartiality determination from OGC/Ethics:

- *U.S. v. New Indy Catawba, LLC*, Case No. 21-cv-02053 SAL, D. S.C.
- *Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*, MDL No. 2873
- *Texas Chemistry Council v. EPA*, Case No. 24-60193, 5th Cir.

I will also recuse from participating in any other specific party matters in which my spouse or his employer is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters from which I am recused, I have asked Jim Payne, the Deputy General Counsel for Environmental Media and Regional Law Offices, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to him without my knowledge or involvement. If Jim determines that I am recused, then he will take action or refer it for action or assignment to another, without my knowledge or involvement.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: OGC Immediate Office
OGC Associates
Regional Counsels
Justina Fugh, Director, Ethics Office

FOIA No. 2025-EPA-09254 ED_020431_00002298-00003

Message

From: vijayan.abi@epa.gov [vijayan.abi@epa.gov]
Sent: 10/18/2024 2:58:21 PM
To: Ting, Kaytrue [Ting.Kaytrue@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: Commonwealth of Kentucky, et al., Case No. 3:24-cv-00600-CHB.

Regards,
Abirami Vijayan

Link: Commonwealth of Kentucky, et al., Case No. 3:24-cv-00600-CHB

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/18/2024 3:02:05 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: CD language on withdrawal
Attachments: ENV_DEFENSE-#1266126-v1-CCEAJ__Draft_Consent_Decree - EPA edits.doc

Thank you, Abi! I'm attaching my suggested edits to the draft CD. Please feel free to edit further as you like, or let me know if you disagree with any of my suggestions—input welcomed!

Ex. 5 AC/AWP/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, October 18, 2024 7:41 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: CD language on withdrawal

Hi Jesse,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

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

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From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Thursday, October 17, 2024 6:59 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: CD language on withdrawal

Ex. 5 AC/AWP/DP

Thanks!

- — — — - — - -
JESSE LUEDERS
Assistant Regional Counsel

U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
415.972.3174
lueders.jesse@epa.gov

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Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/18/2024 3:57:25 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: CCEAJ: Draft Consent Decree
Attachments: ENV_DEFENSE-#1266126-v1-CCEAJ__Draft_Consent_Decree - EPA edits.doc; Warehouse ISR CD.pdf; 2-23CV02646_DocketEntry_03-18-2024_29 (Proposed CD).pdf

Hi David – Thanks again for getting this together. I've reviewed the document and included some suggestions for your consideration—see attached. I also shared this with Abi Vijayan at OGC (cc'ed), and this document incorporates her suggestions.

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Thursday, October 17, 2024 2:10 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: RE: CCEAJ: Draft Consent Decree

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Ex. 5 AC/AWP/DP

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Thursday, October 17, 2024 5:07 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] RE: CCEAJ: Draft Consent Decree

Thanks, David. I'll review soon, and add what I can. Would you like me to look at other sections? I'll have comments on a couple areas, and we will probably need HQ to weigh in on an issue or two.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Thursday, October 17, 2024 11:55 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: CCEAJ: Draft Consent Decree

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

Hi Jesse,

Ex. 5 AC/AWP/DP

Best,
DM

David D. Mitchell
Trial Attorney
U.S. Department of Justice
Environment & Natural Resource Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
(202)514-0165 (office)
(202)598-9737 (cell)

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Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 10/18/2024 6:00:19 PM
To: Mitchell, David (ENRD) [David.Mitchell@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: CCEAJ: Draft Consent Decree
Attachments: ENV_DEFENSE-#1266126-v1-CCEAJ__Draft_Consent_Decree - EPA edits v.2.doc

Ex. 5 AC/AWP/DP

Please reach out with any further questions as needed. Thanks.

From: Lueders, Jesse (he/him/his)
Sent: Friday, October 18, 2024 10:12 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CCEAJ: Draft Consent Decree

Sure, you can give me a call at the number below or I can send a Teams invite. I'm available for the next 45 mins.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Friday, October 18, 2024 10:01 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CCEAJ: Draft Consent Decree

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

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Friday, October 18, 2024 11:57 AM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: [EXTERNAL] RE: CCEAJ: Draft Consent Decree

Hi David – Thanks again for getting this together. I've reviewed the document and included some suggestions for your consideration—see attached. I also shared this with Abi Vijayan at OGC (cc'ed), and this document incorporates her suggestions.

Ex. 5 AC/AWP/DP

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Thursday, October 17, 2024 2:10 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: RE: CCEAJ: Draft Consent Decree

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

Best,
DM

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Thursday, October 17, 2024 5:07 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] RE: CCEAJ: Draft Consent Decree

Thanks, David. I'll review soon, and add what I can. Would you like me to look at other sections? I'll have comments on a couple areas, and we will probably need HQ to weigh in on an issue or two.

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Thursday, October 17, 2024 11:55 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: CCEAJ: Draft Consent Decree

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

Hi Jesse,

Ex. 5 AC/AWP/DP

Best,
DM

David D. Mitchell
Trial Attorney
U.S. Department of Justice
Environment & Natural Resource Division

Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
(202)514-0165 (office)
(202)598-9737 (cell)

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Message

From: Ling, Michael [Ling.Michael@epa.gov]
Sent: 10/21/2024 1:55:33 PM
To: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/DP

From: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Sent: Thursday, October 17, 2024 1:29 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/DP

Thanks,

Dylan Mataway-Novak (he/him/his)
Group Leader, State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Mataway-Novak.Dylan@epa.gov
Phone: (919) 541-5795

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, October 17, 2024 9:55 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Ting, Kaytrue

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

Ex. 5 AC/DP

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

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

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

Thanks Heather and Kaytrue – it gets even more interesting!

Ex. 5 AC/DP

Ex. 5 AC/DP

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

Thanks,

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

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

Ex. 5 AC/DP

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

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

Ex. 5 AC/DP

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

Ex. 5 AC/DP

Thanks,

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

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

Ex. 5 AC/DP

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

Ex. 5 AC/DP

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

Good afternoon, all –

A few initial thoughts:

Ex. 5 AC/DP

Thanks,

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

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

Hi,

Ex. 5 AC/DP

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

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

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

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, October 16, 2024 10:46 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>

Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: Heads Up on Louisville Ozone

Hi all,

Ex. 5 AC/DP

Thanks,
Kaytrue

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

Sent from my iPhone

Begin forwarded message:

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

Good morning Jeaneanne:

Ex. 5 AC/DP

Denisse

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/21/2024 2:02:02 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Order Filed (CLERK)" (EPA-89FR16202)

Yeah, my first reaction was that I was kind of hoping it would be in early January but the bright side is maybe it's fresher in everyone's minds and Ex. 5 AC/AWP/DP so hopefully it won't be too much of a crunch. Not sure what any of us could do if there was.

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, October 21, 2024 9:59 AM
To: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Order Filed (CLERK)" (EPA-89FR16202)

Oh man, an already busy season going to get even busier. Let me know if we should talk about workload based on oral argument prep and Ex. 5 AC/AWP/DP

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

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

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, October 21, 2024 9:33 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Order Filed (CLERK)" (EPA-89FR16202)

Oral argument for PM NAAQS is scheduled for Dec 16.

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/21/2024 2:50:10 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Order Filed (CLERK)" (EPA-89FR16202)

Ex. 5 AC/AWP/DP

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, October 21, 2024 9:59 AM
To: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Order Filed (CLERK)" (EPA-89FR16202)

Oh man, an already busy season going to get even busier. Let me know if we should talk about workload based on oral argument prep and **Ex. 5 AC/AWP/DP**

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

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

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, October 21, 2024 9:33 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Order Filed (CLERK)" (EPA-89FR16202)

Oral argument for PM NAAQS is scheduled for Dec 16.

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 10/21/2024 7:44:07 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: FW: New Binder Submission from Graham, Cheryl
Attachments: Agenda for 10-22 2pm meeting for ARLO Reg Review.pdf

Importance: Low

Ugh—I forgot to put FAR for NOx/SOx on here, or maybe it doesn't belong here if Amanda is skipping? Are we ok concurring if we get Amanda's comments tomorrow?

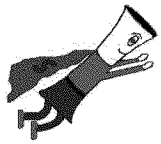
David Orlin (he/him)
US EPA, Office of General Counsel
(202) 564-1222

From: OGC Binders <OGC_Binders@epa.gov>
Sent: Monday, October 21, 2024 3:42 PM
To: OGC ARLO <OGC_ARLO@epa.gov>; Graham, Cheryl <Graham.Cheryl@epa.gov>
Subject: New Binder Submission from Graham, Cheryl
Importance: Low

Subject: ARLO Reg Review

Notes:

Associated Meeting Date/Time: 10/22 @ 2pm



Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 10/23/2024 1:24:25 PM
To: National SIP Processing Workgroup [NatlSIPProcessingWG@epa.gov]; 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 (he/him/his) [Dorantes.Michael@epa.gov]; Fradkin, Kenneth [Fradkin.Kenneth@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Garcia, Ariel [Garcia.Ariel@epa.gov]; Gordon, Michael [Gordon.Mike@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Hall, Jeremiah [hall.jeremiah@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; McIntyre, Gerald [McIntyre.Gerald@epa.gov]; Mohr, Ashley [Mohr.Ashley@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Spenillo, Justin [Spenillo.Justin@epa.gov]; Stevens, Arnold [stevens.arnold@epa.gov]; Sutton, Lisa [Sutton.Lisa@epa.gov]; Suzuki, Debra [Suzuki.Debra@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Wang, Mae [Wang.Mae@epa.gov]; Weinelt, Eva [Weinelt.Eva@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Williams-Miles, Pearlene [WilliamsMiles.Pearlene@epa.gov]; Yannayon, Laura [Yannayon.Laura@epa.gov]; Zull, Aaron [zull.aaron@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]
CC: Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]; McQuilkin, Wendy [Mcquilkin.Wendy@epa.gov]; Morris, Stephanie [Morris.Stephanie@epa.gov]; Reddick, Lorraine [Reddick.Lorraine@epa.gov]; Saltman, Tamara [Saltman.Tamara@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Washington, Stephanie [Washington.Stephanie@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Przyborski, Jay [Przyborski.Jay@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]; Reder, Blythe (they/them/theirs) [Reder.Blythe@epa.gov]; Rutherford, Robert [Rutherford.Robert@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Feldman, Michael [Feldman.Michael@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]
Subject: RE: National SIP Processing Workgroup Conference Call
Attachments: 2024-10-24_Agenda.docx; CRA Information Form.pdf; CRA Information for most SIP actions.pdf; SIP EJ EO template - final - 2023-02-07-july-2024.docx

Microsoft Teams meeting

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Click here to join the meeting

Draft Agenda National SIP Processing Workgroup Conference Call
Thursday, October 24, 2024 12:00 PM to 1:00 PM ET

Ex. 6 Personal Privacy (PP)

SIP Workgroup SharePoint site

Region 10 will take meeting minutes (action items – if needed).

Discussion Items

1. EJ Template / EJ in SIPs
2. New EAMS CRA Requirements
3. FIP Process Guide
4. Additional Questions/Comments from the Regions

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

1) 2024-10-24_Agenda.docx
2) CRA Information Form.pdf
3) CRA Information for most SIP actions.pdf
4) SIP EJ EO template - final - 2023-02-07-july-2024.docx

++++++++++++++++++++++++++

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

-----Original Appointment-----
From: National SIP Processing Workgroup <NatlSIPProcessingWG@epa.gov>
Sent: Thursday, January 18, 2024 2:53 PM
To: National SIP Processing Workgroup; Panos, Christos; Becoat, Gregory; Bell, Tiereny; Benjamin, Lynorae; Deese, William; Dobrahner, Jaslyn; Dorantes, Michael (he/him/his); Fradkin, Kenneth; Freund, Weston (he/him/his); Gallegos, Jacob; Garcia, Ariel; Gordon, Michael; Goudeau, Charlotte; Hall, Jeremiah; Hall, Kristin; Hunt, Jeff; Kelly, Johnj (he/him/his); LaRocca, Sarah; Longo, Linda (she/her/hers); McIntyre, Gerald; Mohr, Ashley; Morgan, Ruthw; Ogbodo, Ndubisi; Olszewski, Joshua; Puplampu, William; Ruan-Lei, Karolina; Ruddick, Randall; Schmitt, Ellen (she/her/hers); Schoellkopf, Lynde (she/her/hers); Spann, Jane; Spenillo, Justin; Stevens, Arnold; Sutton, Lisa; Suzuki, Debra; Vargas, Aaron; Vaupel, Claudia; Wang, Mae; Weinelt, Eva; Wiley, Adina; Williams-Miles, Pearlene; Yannayon, Laura; Zull, Aaron; Parke, Nicolas; Villegas, Brooke (she/her/hers)
Cc: Arra, Sarah (she/her/hers); Brachtl, Megan; Lowder, Erin (she/her/hers); McEathron, Kimberly (she/her/hers); McQuilkin, Wendy; Morris, Stephanie; Reddick, Lorraine; Saltman, Tamara; South, Mia (she/her/hers); Vijayan, Abi; Washington, Stephanie; Senter, Stephen; Bartley, Richard; Przyborski, Jay; Neiswinter, Ian; Martinez, Michael; Reder, Blythe (they/them/theirs); Rutherford, Robert; Oggeri, Francis (he/him/his); Donaldson, Guy; Feldman, Michael; Magee, Melanie
Subject: National SIP Processing Workgroup Conference Call
When: Thursday, October 24, 2024 11:00 AM-12:00 PM (UTC-06:00) Central Time (US & Canada).
Where: Microsoft Teams Meeting

Agenda to follow.

Please reply to panos.christos@epa.gov if you no longer wish to be on this distribution list.

Conference calls are the fourth Thursday of the month except for the **third Thursday of the month for November and December** because of Thanksgiving and Christmas Holidays. Times below are Eastern Time Zone.

Fourth Thursday of the Month.

		Start Time	*End Time*
January	01/25/2024	12:00 pm	01:00 pm
February	02/22/2024	12:00 pm	01:00 pm
March	03/28/2024	12:00 pm	01:00 pm
April	04/25/2024	12:00 pm	01:00 pm
May	05/23/2024	12:00 pm	01:00 pm
June	06/27/2024	12:00 pm	01:00 pm
July	07/25/2024	12:00 pm	01:00 pm
August	08/22/2024	12:00 pm	01:00 pm
September	09/26/2024	12:00 pm	01:00 pm
October	10/24/2024	12:00 pm	01:00 pm

Third Thursday of the Month.

		Start Time	*End Time*
November	11/21/2024	12:00 pm	01:00 pm
December	12/19/2024	12:00 pm	01:00 pm

Microsoft Teams meeting

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Ex. 6 Personal Privacy (PP)

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Learn More | Meeting options

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 10/23/2024 1:33:59 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Louisville redesignation deadline suit

Ex. 5 AC/AWP/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, October 22, 2024 5:06 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Louisville redesignation deadline suit

Ex. 5 AC/AWP/DP

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

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

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

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Tuesday, October 22, 2024 2:15 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Spann, Jane <Spann.Jane@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Re: Louisville redesignation deadline suit

Thanks. I will be the POC for this at Region 4. We need to consider things internally and will reach out when we are ready.
Sent from my iPhone

On Oct 22, 2024, at 2:09 PM, Ting, Kaytrue <Ting.Kaytrue@epa.gov> wrote:

Hello all,

Ex. 5 AC/AWP/DP

Let us know what times would be best for you all.

Kaytrue

From: Spann, Jane <Spann.Jane@epa.gov>
Sent: Thursday, October 17, 2024 11:35 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Subject: RE: Louisville redesignation deadline suit

Thank you Kaytrue.
I am forwarding, by way of adding names to this email, to Simone Jarvis (R4 KY SIP State Contact), Katy Lusky (Acting APIB Manager) and Lynorae Benjamin.

Jane

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Thursday, October 17, 2024 10:31 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Louisville redesignation deadline suit

Hi all,

Ex. 5 AC/AWP/DP

We don't yet have a DOJ attorney assigned, but we have heard from them and likely will in short order.

Thanks,
Kaytrue

Message

From: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Sent: 10/24/2024 3:07:08 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: OGC 100-Day Calendar
Attachments: 2024_OGC 100 Day Calendar_updated 102224.xlsx

Hi Abi – do you have any advice / suggestions for what OGC might be looking for? R9 has two cases without entered CDs (but agreement in principle), and four cases with entered CDs, and some connection to 2015 ozone Transport SIPs / FIP.

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: Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>
Sent: Wednesday, October 23, 2024 4:26 PM
To: R9_ORC_Managers <R9_ORC_Managers@epa.gov>
Subject: FW: OGC 100-Day Calendar

We received an updated version of the transition chart that I mentioned earlier. It looks like OGC made a preliminary determination of what to include. If you have any comments, please let me know so that I can update Valarie Friday morning.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Wednesday, October 23, 2024 3:10 PM
To: Regional Counsels <Regional_Counsels@epa.gov>; Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>
Cc: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>; Raines, Chase <Raines.Chase@epa.gov>
Subject: OGC 100-Day Calendar

Hi all. As to transition background papers, FYI that the **100-day calendar has a legal tab** that OGC is populating. Valarie (cc'd) is lead. If you wish to review it and have any comments, additions, etc, feel free to let Valarie know by this Fri (or let her know your anticipated schedule; it likely will be finalized by early next week).

From: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>
Sent: Wednesday, October 23, 2024 1:33 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Cc: Raines, Chase <Raines.Chase@epa.gov>
Subject: JIM - OGC 100-Day Calendar

Jim,
Please see the updated 100-Day Calendar. Please note, I am waiting for a response from GLO regarding whether they have a program client for row 9.

Thank you,

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 10/24/2024 3:29:51 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]
Subject: FW: Martin Lake SIP Approval Comments, EPA–R06–OAR–2022–0311
Attachments: 2024.10.18 DRAFT Texas SO2 SIP Comment final.pdf

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

From: Feldman, Michael <Feldman.Michael@epa.gov>
Sent: Monday, October 21, 2024 12:58 PM
To: Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: FW: Martin Lake SIP Approval Comments, EPA–R06–OAR–2022–0311

Sharing Sierra Club comments on Rusk-Panola.

Ex. 5 AC/DP

From: Joshua Smith <joshua.smith@sierraclub.org>
Sent: Monday, October 21, 2024 11:31 AM
To: Snyder, Erik <snyder.erik@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>; Lee, Andrew <Lee.Andrew.C@epa.gov>
Subject: Martin Lake SIP Approval Comments, EPA–R06–OAR–2022–0311

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

Good morning,

As part of Sierra Club's comments on the above-captioned rulemaking, we referenced several modeling files underlying the Wingra Engineering modeling reports submitted with the comments.

Separately, Ms. Vicki Stamper referenced a spreadsheet underlying her analysis.

The modeling files and spreadsheet calculations were too big to upload to regulations.gov (though we did upload a "pdf" version of the spreadsheet.

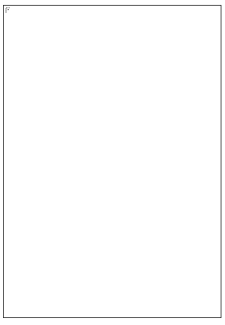
For your convenience, we've posted the modeling files and spreadsheet to this file site.

Separately, we discovered one inadvertent error in the main comment document that we filed. Specifically, a single comment was left in the margin of the document. If possible, we'd appreciate you replacing the main comment letter with the attached version.

Please let me know if you have any questions.

Josh

--



Joshua Smith
Senior Staff Attorney
Sierra Club
(503) 484-7194 (cell)
(415) 977-5560 (office)
joshua.smith@sierraclub.org

I check e-mail infrequently. For urgent matters, please call.

CONFIDENTIAL LEGAL COMMUNICATION/WORK PRODUCT
This e-mail may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this e-mail inadvertently, please notify me and delete all versions from your system. Thank you.

Message

From: Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]
Sent: 10/25/2024 8:40:52 PM
To: Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Panos, Christos [Panos.Christos@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Subject: Final SIP EJ EO Template
Attachments: SIP EJ EO Template - REVISED October 2024 - Final.docx; SIP EJ EO Template - REVISED October 2024 - Regional + OGC Feedback.docx

Importance: High

Hi all,

Attached is the final version of the SIP EJ EO template as well as the RLSO version that incorporates feedback we received from the regions and various OGC offices. I've sent these documents to my Division Director, Scott, for awareness and possible input. I am hoping that we can get a final version circulated to the regions sometime next week or the following week at the absolute latest. I will keep you updated on the timing once I hear back from Scott.

At a high level, the final changes include:

Ex. 5 AC/DP

Thank you all so much for your help with this effort. It was such a pleasure working with all of you on this, and I am tremendously grateful for your support.

Since we've (almost) reached the finish line, I am going to cancel our remaining workgroup meetings. If anything major pops up, though, I'll be sure to reach out.

Thanks again!
Erin

Erin Lowder
U.S. EPA | Office of Air Quality Planning and Standards
Air Quality Policy Division | State and Local Programs Group
lowder.erin@epa.gov | (919) 541-5421

Appointment

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 10/28/2024 3:19:34 PM
To: Ling, Michael [Ling.Michael@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Compher, Michael (he/him/his) [compher.michael@epa.gov]; Lusky, Katy [Lusky.Kathleen@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]

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

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

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

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

Ex. 5 AC/DP

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

Join on a video conferencing device

Ex. 6 Personal Privacy (PP)

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: Mann, Martha (ENRD) [Martha.Mann@usdoj.gov]
Sent: 10/28/2024 4:12:21 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: McDermott, Martin (ENRD) [Martin.McDermott@usdoj.gov]
Subject: RE: New deadline suit
Attachments: US_DIS_KYWD_3_24cv600_d34972177e912_COMPLAINT_against_Michael_S_Regan_U_S_EPA_U_S_Envi.pdf

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

Hi Abi and Kaytrue –

Martin McDermott will be handling this for EDS. He should be in touch with Kaytrue to get up to speed.

Martha

From: Mann, Martha (ENRD)
Sent: Thursday, October 17, 2024 9:00 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: New deadline suit

Hi Abi –

This case popped up on my tracker this morning. Can you let me know who at EPA will handle? I will assign an attorney asap.

Thanks,
Martha

Martha C. Mann
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
202.514.2664

Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 10/29/2024 12:52:31 PM
To: James, Corin [James.Corin01@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23
Attachments: EPA-R09-OAR-2019-0241-0089_attachment_1.pdf; Coachella_ALFA_ 5-16-24.pdf

Mornin' Corin –

Ex. 5 AC/DP

Thanks,

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

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, October 28, 2024 1:04 PM
To: Simon, Heather <Simon.Heather@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Ex. 5 AC/DP

Let me know what you think once you've had a chance to compare. Thanks.

From: Simon, Heather <Simon.Heather@epa.gov>
Sent: Friday, October 25, 2024 3:49 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>

Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Hi Bob,

Ex. 5 AC/DP

Cheers,
Heather

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

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Thursday, October 24, 2024 3:39 PM
To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Hello Heather –

I see that you've made some comments but am not sure if you have completed your review of the NOx substitution RTC. Along with the current ALFA comment, I'm attaching for our collective reference some previous ozone actions on which Steve O./ALFA commented:

- Approval of Air Quality Implementation Plans; California; Coachella Valley; 2008 8-Hour Ozone Nonattainment Area Requirements – final rule and RTCs (85 FR 57714, 57717, September 16, 2020).

- Air Plan Approval; Texas; Reasonable Further Progress Plan for the Dallas-Fort Worth Ozone Nonattainment Area
  - Supplemental proposal spurred by previous NOx substitution comments and validating original proposed approval (87 FR 77770, December 20, 2022).
  - Final rule with RTCs on supplemental proposal (88 FR 24693, 24695, April 24, 2023).

I have not yet done any comparisons, but wanted to make these available as we work toward the 11/01 review deadline.

Thanks,

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

From: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Sent: Tuesday, October 15, 2024 9:11 AM

To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Good morning, all. R9 has approved an 11/1 review deadline for Coachella Valley.

From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, October 9, 2024 4:52 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Ex. 5 AC/DP

Is 11/1 workable?

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, October 9, 2024 4:14 PM
To: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; James, Corin <James.Corin01@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Hi all,

Ex. 5 AC/DP

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

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

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From: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Sent: Wednesday, October 9, 2024 2:58 PM
To: Ling, Michael <Ling.Michael@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; James, Corin <James.Corin01@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>

Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

Ex. 5 AC/DP

Thank you,

Francis Oggeri (he/him/his)
State and Local Programs Group
Air Quality Policy Division
U.S. Environmental Protection Agency
Email: Oggeri.Francis@epa.gov
Phone: (919) 541-3255

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, October 8, 2024 7:46 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Coryell, Mark <coryell.mark@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@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 and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

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A new item titled "Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards" has been submitted by Region 09 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards
State: CA
Region: 09
Standard: Ozone (1997)
Area: Coachella Valley
Document Category: AP/MP

Date Submitted to HQ: 2024-10-09
HQ Due Date: 2024-10-23
Reason for Review: Adverse Comment
Requested Review Office: OAQPS, OTAQ, & OGC
Region Comments:
Regional Manager(s): Leers, Ben (he/him/his);
Regional Staff Lead(s): Kelly, ThomasP;
ORC Staff Lead(s): Lueders, Jesse (he/him/his);
OAQPS Staff Involved: Messing, Aaron;
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: Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]
Sent: 10/29/2024 1:30:27 PM
To: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
CC: Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Ozone NAA Reclassification FRN Question - Comment Period Extension?

Certainly, this was a question from the Kentucky Division for Air Quality staff.

Thanks,
Simone

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Tuesday, October 29, 2024 8:55 AM
To: Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Ozone NAA Reclassification FRN Question - Comment Period Extension?

Sorry I neglected to ask – for context, can you tell me who was asking **Ex. 5 AC/DP**

Thanks,
Bob

From: Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>
Sent: Tuesday, October 29, 2024 8:12 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Ozone NAA Reclassification FRN Question - Comment Period Extension?

Good morning Bob,

Yes, this is very helpful. Thank you for the prompt reply!

Simone Jarvis
Life Scientist
US EPA Region 4 | Air & Radiation Division
Air Regulatory Management Section
Phone: 404-562-8393
E-mail: jarvis.simone@epa.gov

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Tuesday, October 29, 2024 7:19 AM
To: Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Mataway-Novak, Dylan (he/him/his)

<Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Ozone NAA Reclassification FRN Question - Comment Period Extension?

Good morning, Simone –

Ex. 5 AC/DP

Thanks,

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

From: Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>
Sent: Monday, October 28, 2024 4:55 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>
Subject: Ozone NAA Reclassification FRN Question - Comment Period Extension?

Hi Bob,

Hope you had a great weekend!

Ex. 5 AC/DP

Thanks so much,
Simone Jarvis

Life Scientist
US EPA Region 4 | Air & Radiation Division
Air Regulatory Management Section
Phone: 404-562-8393
E-mail: jarvis.simone@epa.gov

Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 10/29/2024 6:34:43 PM
To: Kelly, ThomasP [Kelly.ThomasP@epa.gov]; Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]; Messing, Aaron [messing.aaron@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]
Subject: RE: HQ SIP Portal: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23
Attachments: NFR Coachella Valley Extreme Area Attainment Plan - HQ.docx; Coachella_ALFA_ 5-16-24.pdf; EPA-R09-OAR-2019-0241-0089_attachment_1.pdf; Coachella_2008_O3_85FR57714_9-16-20.pdf

Hello Region 9 friends –

Ex. 5 AC/DP

OGC is requesting a v.2 review via the Portal when you are able. Please contact the reviewers with any thoughts or questions in the meantime.

Thanks,

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

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Tuesday, October 8, 2024 7:46 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Coryell, Mark <coryell.mark@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; O'Kelly, Jeremy <OKelly.Jeremy@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@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 and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards Due 2024-10-23

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

A new item titled "Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards" has been submitted by Region 09 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Extreme Attainment Plan for 1997 8-Hour Ozone Standards
State: CA
Region: 09
Standard: Ozone (1997)
Area: Coachella Valley
Document Category: AP/MP
Date Submitted to HQ: 2024-10-09
HQ Due Date: 2024-10-23
Reason for Review: Adverse Comment
Requested Review Office: OAQPS, OTAQ, & OGC
Region Comments:
Regional Manager(s): Leers, Ben (he/him/his);
Regional Staff Lead(s): Kelly, ThomasP;
ORC Staff Lead(s): Lueders, Jesse (he/him/his);
OAQPS Staff Involved: Messing, Aaron;
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: Orlin, David [Orlin.David@epa.gov]
Sent: 10/30/2024 3:56:46 PM
To: Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: amicus brief alleging all of our rules are pretexts to shut down coal fired EGUs
Attachments: GAO Amicus Brief_24-1050_Documents.pdf

Hi all,

Ex. 5 AC/AWP

Just wanted to check if you have faced this issue in any of your litigation since last Spring.

Thanks,

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

From: Orlin, David
Sent: Friday, April 5, 2024 1:42 PM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: FW: amicus brief alleging all of our rules are pretexts to shut down coal fired EGUs

Hi Lea,

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
Mr. Steven R. Blair, Assistant Attorney General: steven.blair@state.sd.us, lynell.erickson@state.sd.us, mary.bartholomew@state.sd.us, melissa.neyhart@state.sd.us
Mr. Edmund Gerard LaCour, Jr.: edmund.lacour@alabamaag.gov, rene.whyard@alabamaag.gov
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
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Ms. Whitney D. Hermandorfer: whitney.hermandorfer@ag.tn.gov
Mr. James Hamilton Percival, II: james.percival@myfloridalegal.com
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, nelsone@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
Jacob M. Abrahamson: jacob.abrahamson@ky.gov
Jessica Amber Ahmed: amber.ahmed@oag.texas.gov, caroline.taylor@oag.texas.gov
Grant Strobl: grant.strobl@nebraska.gov
Nathan Curtisi: ncurtisi@azchamber.com
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]
[5ca6788e41b8e0e3fd7cca158d465eefc9a05124ed70006a48012dd3bc91b0b581feb087abaf9fce1f008cfb112f62dd646b417f6e6c58691360168ea09f29d6]]

Document Description: Amicus Brief
Original Filename: FinalAsFiledDCCirBriefAmic.pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=04/05/2024] [FileNumber=2048332-1]
[9c54298ef5a9977bc2c1d443551f3d47e4a5c21daf9977aec01352fbac5c38f6394ca0da44a15d9fd37a7a3454661eec55abefee5b3644664e6da9b276adac26]]

Message

From: Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]
Sent: 10/30/2024 6:46:43 PM
To: Ferreira, Nicholas (he/him/his) [ferreira.nicholas@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Panos, Christos [Panos.Christos@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Subject: RE: Final SIP EJ EO Template
Attachments: SIP EJ EO Template - REVISED October 2024 - Final Clean.docx

Hi everyone,

Scott reviewed and offered some minor edits on the template. Attached is the final version that incorporates his feedback. The template is ready for distribution to the Regions.

Chris, can you please circulate this template to the National SIP Processing Workgroup?

Thanks!
Erin

From: Lowder, Erin (she/her/hers)
Sent: Friday, October 25, 2024 4:41 PM
To: Ferreira, Nicholas (he/him/his) <Ferreira.Nicholas@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: Final SIP EJ EO Template
Importance: High

Hi all,

Attached is the final version of the SIP EJ EO template as well as the RLSO version that incorporates feedback we received from the regions and various OGC offices. I've sent these documents to my Division Director, Scott, for awareness and possible input. I am hoping that we can get a final version circulated to the regions sometime next week or the following week at the absolute latest. I will keep you updated on the timing once I hear back from Scott.

At a high level, the final changes include:

Ex. 5 AC/DP

Thank you all so much for your help with this effort. It was such a pleasure working with all of you on this, and I am tremendously grateful for your support.

Since we've (almost) reached the finish line, I am going to cancel our remaining workgroup meetings. If anything major pops up, though, I'll be sure to reach out.

Thanks again!
Erin

Erin Lowder
U.S. EPA | Office of Air Quality Planning and Standards
Air Quality Policy Division | State and Local Programs Group
lowder.erin@epa.gov | (919) 541-5421

Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 10/30/2024 7:24:21 PM
To: Abrahamian, Tanya (she/her/hers) [abrahamian.tanya@epa.gov]; Ahuja, Anupa [ahuja.anupa@epa.gov]; Becoat, Gregory [becoat.gregory@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Deese, William [deese.william@epa.gov]; Dobrahner, Jaslyn [Dobrahner.Jaslyn@epa.gov]; Dorantes, Michael (he/him/his) [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]; Gesualdo, Matthew (he/him/his) [Gesualdo.Matthew@epa.gov]; Gordon, Michael [Gordon.Mike@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Grady, James [Grady.James@epa.gov]; Hall, Jeremiah [hall.jeremiah@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Huser, Jennifer [Huser.Jennifer@epa.gov]; James, Corin [James.Corin01@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; McDowell, Jaron [McDowell.Jaron@epa.gov]; McIntyre, Gerald [McIntyre.Gerald@epa.gov]; Mohr, Ashley [Mohr.Ashley@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Panos, Christos [Panos.Christos@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Reder, Blythe (they/them/theirs) [Reder.Blythe@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Shahin, Emad [Shahin.Emad@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Steib, Clovis [steib.clovis@epa.gov]; Stevens, Arnold [stevens.arnold@epa.gov]; Sutton, Lisa [Sutton.Lisa@epa.gov]; Suzuki, Debra [Suzuki.Debra@epa.gov]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@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]; Wiley, Adina [Wiley.Adina@epa.gov]; Williams-Miles, Pearlene [WilliamsMiles.Pearlene@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Wolkins, Jed (he/him/his) [wolkins.jed@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]; Kornylak, Vera S. [Kornylak.Vera@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]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Reddick, Lorraine [Reddick.Lorraine@epa.gov]; Saltman, Tamara [Saltman.Tamara@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Washington, Stephanie [Washington.Stephanie@epa.gov]
Subject: Revised SIP EJ EO Template
Attachments: SIP EJ EO Template - REVISED October 2024.docx

Hello all,

Attached is the final version of the revised SIP EJ EO template, which you may begin using immediately. At a high level, the final changes include:

Ex. 5 AC/DP

Ex. 5 AC/DP

Please direct all questions regarding the SIP EJ EO template to the National SIP Processing Workgroup. First, bring your questions to your regional representation. If needed, any questions will be elevated to Chris Panos in Region 5, as the lead of the workgroup. Below is a list of regional contacts on this topic:
R1 Ariel Garcia; **R2** Linda Longo; **R3** Greg Becoat; **R4** Sarah LaRocca; **R5** Chris Panos; **R6** Karolina Ruan-Lei;
R7 Arnold Stevens; **R8** Aaron Zull; **R9** Mae Wang; **R10** Randall Ruddick; **OGC** Corin James; **OAQPS** Erin Lowder
Not sure who to contact? Please reach out to Chris Panos in Region 5, Panos.Christos@epa.gov.

++++++++++++++++++++++++++

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

Message

From: King, Rochelle (she/her/hers) [King.Rochelle@epa.gov]
Sent: 11/5/2024 4:29:35 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kornylak, Vera S. [Kornylak.Vera@epa.gov]
Subject: NTAA Tribes Mtg GC 2-29-2024 Final.pptx
Attachments: NTAA Tribes Mtg GC 2-29-2024 Final.pptx

Here is the presentation that we did for the tribes.

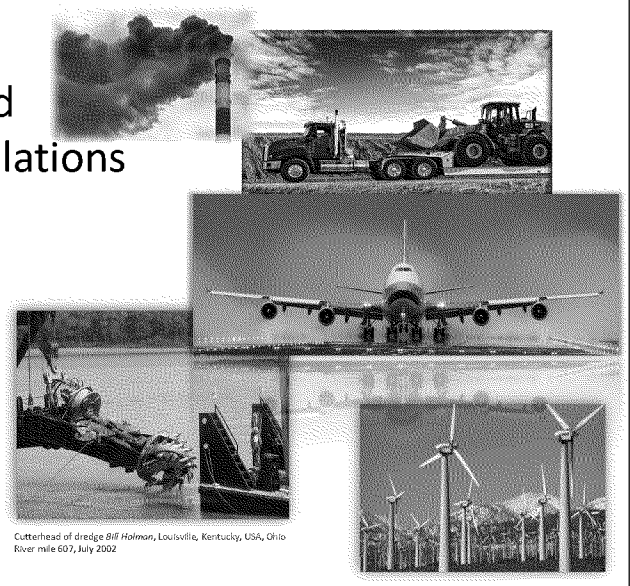
General Conformity and Potential Revisions to the Regulations

presented to

NTAA
NATIONAL TRIBAL AIR ASSOCIATION

Prepared by:
Virginia Raps
General Conformity Program Leader
Office of Air Quality Planning and Standards (OAQPS)
Air Quality Policy Division (AQPD)
New Source Review Group (NSRG)

February 29, 2024



Cutterhead of dredge *Bill Holman*, Louisville, Kentucky, USA, Ohio River mile 607, July 2002

Notes

VR added this disclaimer to each page, suggested by Vera -- Presented for Informational Purposes Only; Not intended to Convey Advice.

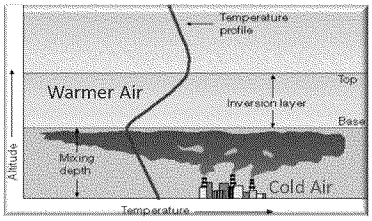
Clean Air Act (CAA) Air Quality Programs

There are several **Clean Air Act air quality programs** that, when used together, are intended to help prevent and control pollution in areas of poor or vulnerable air quality (nonattainment areas and attainment areas). Some of the programs are included in State and Tribal implementation plans. The list of control programs, the areas they cover, and the emissions accounted for by each program are —

Nonattainment New Source Review (NNSR):
Major/minor stationary source emissions within nonattainment areas.

Prevention of Significant Deterioration (PSD):
Major/minor stationary source emissions within attainment areas.

Transportation Conformity (TC):
Motor vehicle sources for federal highways and transit projects within nonattainment and maintenance areas.



General Conformity (GC): Accounts for all other emissions caused by federal projects affecting nonattainment and maintenance areas. Includes stationary sources not accounted for under NNSR or PSD, and motor vehicle sources not accounted for under TC. Thus, GC includes emissions from all other volume, line, point, and area sources operating on land, water, and in the air.
Not required to be included in an applicable implementation plan.



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FOIA No. 2025-EPA-09254 ED_020431_00002400-00002

Purpose of General Conformity — Applies to Tribes and States

- **Protects the authority of Tribal governments:**

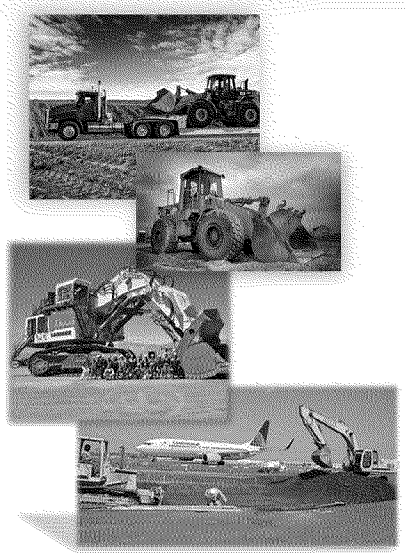
  General Conformity regulations prevent emissions caused by federal projects from interfering with a Tribe's ability to attain and maintain the National Ambient Air Quality Standards (NAAQS).

- **Requires pre-planning:**

  A federal agency must consult early-on with the Tribal government or the EPA to put emphasis on compliance (conforming) to the Tribal Implementation Plan (TIP) before a federal project goes forward rather than considering control measures after the project begins.

- **Assigns Responsibility:**

  Makes the federal agency solely responsible for assuring that the emissions from their project conforms to the purpose of the TIP when an agency proposes to fund, permit or license, or approve a project.



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FOIA No. 2025-EPA-09254 ED_020431_00002400-00003

Tribal Air Quality and General Conformity



- According to the "*2022 Status of Tribal Air Report*," there are 68 Tribes located within airsheds that are designated nonattainment for one or more criteria pollutants.
- There are 113 Tribal nonattainment areas, mostly for particulate matter (PM_{10} and $PM_{2.5}$) and ozone.
- GC requires federal agencies to be consistent with air quality implementation plans, and the CAA gives Tribes the authority to develop and enforce their own air quality improvement strategies through the Tribal Implementation Plan (TIP).
- In those plans, Tribal governments can establish their own emissions rates (in tons per year) below which a GC evaluation is not required—
  - These are known as "*de minimis* threshold rates."
  - The Tribal authority can establish their own *de minimis* rates that are more stringent than the federal GC *de minimis* rates, but not less stringent.

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4

Notes

Ex. 5 AC/DP

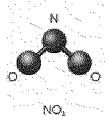
Criteria and Precursor Pollutants



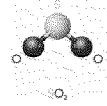
O_3 Ozone, and precursors volatile organic compounds (VOC) and nitrogen oxides (NOx)



CO Carbon monoxide



NO_2 Nitrogen dioxide



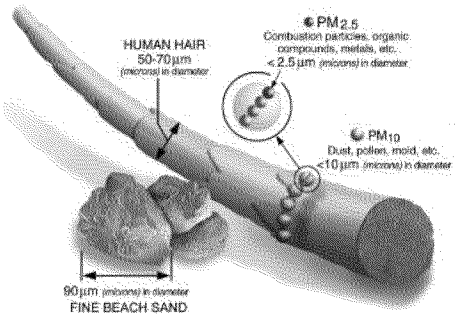
SO_2 Sulfur dioxide



Pb Lead (toxic heavy metal)

$PM_{2.5}$ Fine particulate matter, and precursors VOC, NOx, SO_2, and ammonia (NH_3)

PM_{10} Particulate matter



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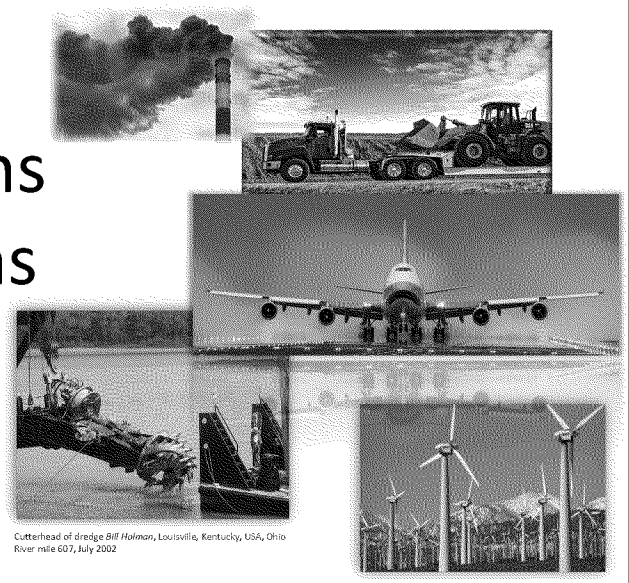
FOIA No. 2025-EPA-09254 ED_020431_00002400-00005

Summary of Potential Revisions to the Regulations



Cutterhead of dredge *Bill Holman*, Louisville, Kentucky, USA, Ohio River mile 607, July 2002

FOIA No. 2025-EPA-09254 ED_020431_00002400-00006

Clarification of Documentation Requirements

Some of the more important revisions being considered include—



- Asking agencies to provide documentation of, at a minimum, their GC applicability analysis when a formal General Conformity Determination is not required.
- Agencies may be asked to retain in their files the details of the methods and procedures used to complete the GC applicability analysis.
- This documentation would provide transparency and will support the integrity of the emissions analysis —
  - Documentation may range from simply maintaining the files "in house," for potential distribution; or
  - May require meeting formal reporting and public participation requirements like what is currently required for a National Environmental Policy Act (NEPA) assessment for an Environmental Impact Statement (EIS).

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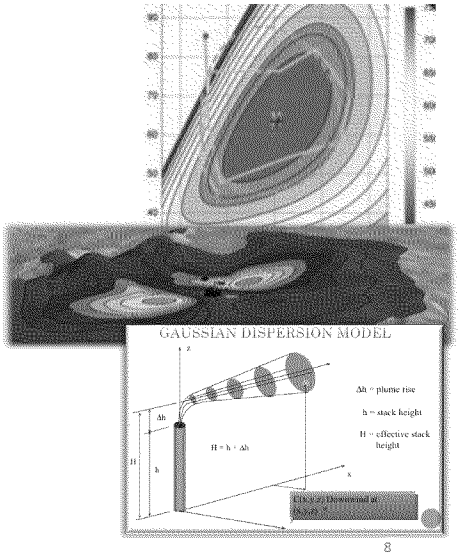
FOIA No. 2025-EPA-09254 ED_020431_00002400-00007

Clarification of Current Air Quality Modeling Policy

- The EPA is considering a revision to support a federal agency's choice to perform air quality modeling to show conformity for any of the criteria or precursor pollutants.
- Currently, the regulations do not allow modeling to demonstrate conformity of secondarily formed ozone, $PM_{2.5}$ emissions nor NO_2 emissions.
- Air quality modeling is approved for these pollutants in the 2017 revision of the EPA's 40 CFR part 51 Appendix W *Guideline For Air Quality* Models, but stakeholders were unaware of its relevance.
- This amendment would provide support for the *Modeling Clarification Memorandum,* issued in November 2020 by EPA's Air Quality Policy Division (AQPD) and the Air Quality Assessment Division (AQAD). The memo explained how agencies can use air quality modeling to show conformity for formation of the secondary pollutants.



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FOIA No. 2025-EPA-09254 ED_020431_00002400-00008

Fulfill CAA Requirement for Maintenance Areas

- Under CAA §176(c)(4)(D)(iii), the EPA is required to explain in its regulations how an agency can demonstrate conformity within a maintenance area whenever the agency's project causes emissions that equal or exceed *de minimis* rates.
- The EPA is considering adding an explanation that maintenance areas apply under GC for a period of 20 years from the date the area was re-designated attainment.
- The explanation would also consider how Limited Maintenance Plans (LMPs) apply under GC.



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FOIA No. 2025-EPA-09254 ED_020431_00002400-00009

Align the *De minimis* Rates

- The EPA is considering an update for the *de minimis* rates for a CO nonattainment area. All the other rates would remain the same.
- The NNSR threshold rates that apply to Major Stationary Sources are established in the CAA, but EPA did not accurately include the CO *de minimis* rates in the 1993 GC Final Rule.
- When a CO NAAQS is new or revised, CO nonattainment areas for CO are assigned classifications depending on the severity of the violation — Moderate or Serious. This was not included in the original 1993 GC Final Rule.
- The *de minimis* threshold rates are used by federal agencies to "screen out" projects that are either too small to consider GC, or large enough to require further investigation.



Commercial Wind Energy Tower

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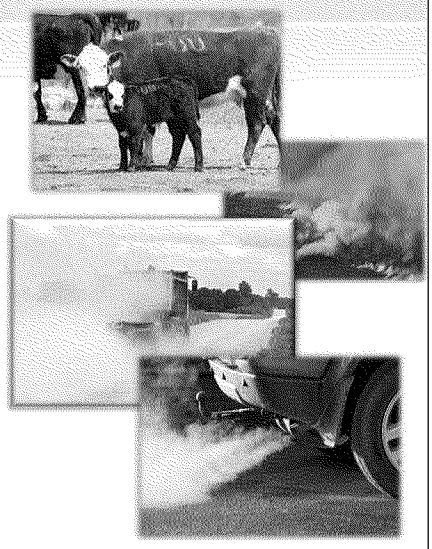
Notes

Ex. 5 AC/DP

Revise the Definition of Precursors of Fine Particulate Matter ($PM_{2.5}$)

- EPA is considering a revision to the GC rule's definition of *"Precursors of a criteria pollutant"* to remove outdated conditions for assessing $PM_{2.5}$ precursor emissions that affect the way agencies prepare a GC applicability analysis.
- The conditions are related to the VOC, NOx, and NH_3 precursors of $PM_{2.5}$ that contribute to secondary formation and became part of the GC regulations in the 2006 $PM_{2.5}$ *De minimis threshold Final Rule.* Classifications for $PM_{2.5}$ were added for nonattainment areas in the 2016 *$PM_{2.5}$ SIP Requirements Rule*.
- EPA did not remove these conditions as was intended in the 2016 *$PM_{2.5}$ NAAQS Implementation Rule*.
- This potential amendment would clarify that all four $PM_{2.5}$ precursors, NOx, VOC, SO_2, and NH_3, along with direct emissions of $PM_{2.5}$, must be evaluated when a project affecting a $PM_{2.5}$ nonattainment or maintenance area causes emissions that equal or exceed the $PM_{2.5}$ *de minimis* threshold rates, unless the TIP includes a demonstration that one or more of the precursors does not significantly impact $PM_{2.5}$ concentrations in the area.



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Notes

Ex. 5 AC/DP

For Further Reading

(1) ***40 CFR statutes***

40 CFR part 93 subpart B General Conformity Regulations
40 CFR part 51 Appendix W *Guideline for Air Quality Models*
40 CFR 51.165 New Source Review
40 CFR 51.166 Prevention of Significant Deterioration
40 CFR part 93 Subpart A Transportation Conformity Regulations

(2) ***Clean Air Act laws***

CAA § 176(1)(A) and (1)(B) Federal Conformity Requirement
CAA §301(d) Tribal Implementation Plans

(3) ***EPA***

National Ambient Air Quality Standards

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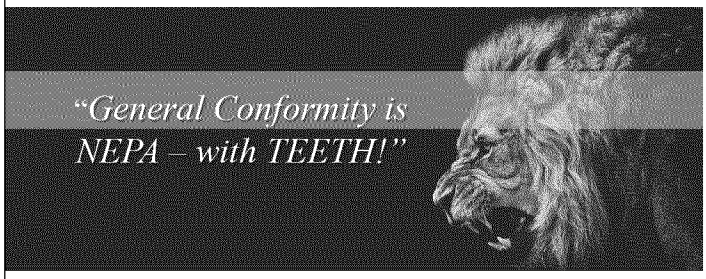
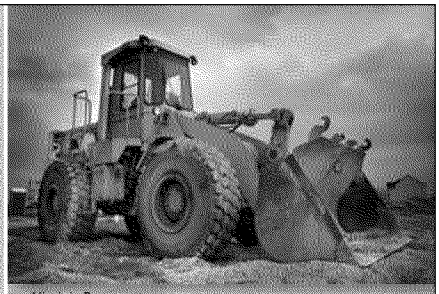
FOIA No. 2025-EPA-09254 ED_020431_00002400-00012

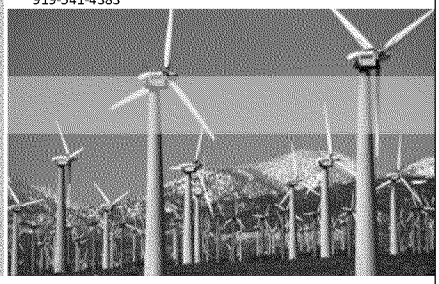


Thank you!





Virginia Raps
General Conformity Program Leader
OAQPS/AQPD/NSRG
Raps.virginia@epa.gov
919-541-4383



Message

From: US Environmental Protection Agency [noreply-subscriptions@epa.gov]
Sent: 11/7/2024 7:30:26 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. 3:24-cv-00600-CHB (W.D. KY)

The U.S. Environmental Protection Agency has recently received a complaint 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/2024-10/24cv600.pdf

###

To view other complaints and filings, please visit: https://www.epa.gov/ogc

You are receiving this notice because this email address is subscribed to this topic. Manage your subscription at https://www.epa.gov/ogc/email-subscriptions-new-litigation-notifications.

Disclaimer: Posting does not mean that the notice was properly filed and/or served upon EPA or the United States, and EPA does not waive any defenses related to improper filing or service as it relates to the notices posted.

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: Mann, Martha (ENRD) [Martha.Mann@usdoj.gov]
Sent: 11/8/2024 12:21:24 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Fwd: New Complaint
Attachments: US_DIS_CAND_3_24cv7768_d131281156e443_COMPLAINT_for_Injunctive_and_Declaratory_Relief_ag.pdf

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

Good morning, Abi -

It was great to see you in person at Paul's send off!

Attached is a new deadline suit. I will let you know when I have assigned it to an EDS attorney. Please let me know which EPA counsel will handle this.

Thanks!
Martha

https://advance.lexis.com/f/courtlinkdocument/jobstatus/downloadfile/7cf030b7-22ff-4e93-a54e-e6178df0d9cd/urn:contentItem:6DC6-85W3-RTFN-R4FG-00000-00/1/0/d131281156e443/0/s3/US_DIS_CAND_3_24cv7768_d131281156e443_COMPLAINT_for_Injunctive_and_Declaratory_Relief_ag

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 11/12/2024 4:55:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Louisville check-in

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, November 12, 2024 11:47 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Louisville check-in

CUI//PRIVILEGE

Hi Kaytrue,

Ex. 5 AC/AWP/DP

suggest looping in Bob as well so there's an OAQPS rep on the chain.

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, November 12, 2024 11:30 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville check-in

Abi,

Ex. 5 AC/AWP/DP

Kaytrue

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Tuesday, November 12, 2024 9:39 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>
Subject: RE: Louisville check-in

Good Morning,

Ex. 5 AC/AWP/DP

I hope your day is going well.

Lynorae

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, November 12, 2024 9:32 AM
To: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>
Subject: Louisville check-in

Hi all,

Ex. 5 AC/AWP/DP

Thanks,
Kaytrue

Message

From: Graham, Cheryl [Graham.Cheryl@epa.gov]
Sent: 11/12/2024 7:00:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Docket Alert for the Case of Little Manila Rising Et Al V. United States Environmental Protection Agency Et Al
Attachments: 24-7768.pdf

Hi Abi,

Is this case in your area? If so, do you have the NOI for this complaint?

Thanks,
Cheryl

From: OGCLibrary <OGCLibrary@epa.gov>
Sent: Friday, November 8, 2024 12:03 PM
To: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>; Graham, Cheryl <Graham.Cheryl@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Docket Alert for the Case of Little Manila Rising Et Al V. United States Environmental Protection Agency Et Al

Hello,

Alert attached for case 24-7768.

Regards,

Kate McAloon
OGC Librarian, Contractor – ADS Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
Library Hours: 9:30 to 4

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 11/13/2024 8:29:23 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: CCAEJ: Updated Draft Proposed Consent Decree
Attachments: ENV_DEFENSE-^N1266687-v1-CCAEJ__Updated_Draft_Proposed_Consent_Decree (002) BN edits.doc

Hi Abi – Sharing plaintiffs' (minor) edits to our proposed CD for the CA heavy-duty I/M deadline suit. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I don't think you'd need to review but wanted to give you the chance if you're interested.

Thanks!

From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Wednesday, November 13, 2024 11:31 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: FW: CCAEJ: Updated Draft Proposed Consent Decree

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

HI Jesse, see attached. Any issues from EPA on the changes? I am going to revert the communications to me for this CD based on Brent's question.

Best,
DM

From: Brent Newell <brentjnewell@outlook.com>
Sent: Friday, November 8, 2024 4:47 PM
To: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Subject: [EXTERNAL] RE: CCAEJ: Updated Draft Proposed Consent Decree

David,

I apologize for taking longer than I had indicated. This week was very busy for me and I had to back burner this. I appreciate your patience.

I had some relatively minor edits and a question regarding the notice address.

Please see attached.

Thanks!

Brent Newell
Law Office of Brent J. Newell
245 Kentucky Street, Suite A4
Petaluma, CA 94952
(661) 586-3724

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From: Mitchell, David (ENRD) <David.Mitchell@usdoj.gov>
Sent: Friday, November 1, 2024 2:11 PM
To: Brent Newell <brentjnewell@outlook.com>
Subject: CCAEJ: Updated Draft Proposed Consent Decree

CONFIDENTIAL SETTLEMENT COMMUNICATION

Hi Brent,

Attached is a draft proposed consent decree for your review and inputs for CCAEJ. Sorry for the delay. Can you please check the local rules citations? I got the party name corrected. I'm around to discuss. Thanks!

Best,
DM

David D. Mitchell
Trial Attorney
U.S. Department of Justice
Environment & Natural Resource Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
(202)514-0165 (office)
(202)598-9737 (cell)

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Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 11/13/2024 11:51:06 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20
Attachments:TCEQ_comments.pdf; SC_comments.pdf; Luminant_comments.pdf

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

Rusk Panola FFA NFRM V2_HQ.docx

Hi everyone,

We've received the final rulemaking for the FFA for Rusk Panola, TX. Adverse comments were received and comments are attached. **The region has requested a review deadline of 11/20.**
I know Mike is out and this one has a few adverse comments. The region split off the FFA from the limited/limited so this review is just for the FFA finalization and RTC.

Please let me know if the deadline works for you or otherwise.

Thank you so much,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Wednesday, November 13, 2024 4:20 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

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

A new item titled "Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area" has been submitted by Region 06 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area
State: TX
Region: 06
Standard: SO2 (2010)
Area: Rusk-Panola Nonattainment Area
Document Category: Other
Date Submitted to HQ: 2024-11-13
HQ Due Date: 2024-11-20
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: comment letters attached. CD deadline of 12/19/24 for this final action.
Regional Manager(s): Feldman, Michael;
Regional Staff Lead(s): Lee, Andrew;
ORC Staff Lead(s): Villegas, Brooke (she/her/hers); Vargas, Aaron;
OAQPS Staff Involved: Brashear, Angelina (she/her/hers);
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Appointment

From: Simcox, Alison [simcox.alison@epa.gov]
Sent: 11/14/2024 5:36:37 PM
To: Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Cohen, Michael [Cohen.Michael@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]; 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]; 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 (he/him/his) [stein.joseph@epa.gov]; Stenhouse, Jeb [Stenhouse.Jeb@epa.gov]; Stone, William [stone.william@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Talley, David [Talley.David@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Timin, Brian [Timin.Brian@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Tonnesen, Gail [Tonnesen.Gail@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Uher, Thomas (he/him/his) [uher.thomas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vit, Wendy (she/her/hers) [Vit.Wendy@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Wiley, Adina [Wiley.Adina@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Ruvo, Richard (he/him/his) [Ruvo.Richard@epa.gov]; Vargas, Ricardito [vargas.ricardito@epa.gov]; Vaupel, Claudia [Vaupel.Claudia@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; 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]; Sears, Owen (he/him/his) [Sears.Owen@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; DeLay, Robert [Delay.Robert@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]

Subject: Monthly Transport SIP Workgroup Call - agenda attached
Attachments: 2024_Nov-14-Transport Call Agenda.docx
Location: Microsoft Teams Meeting

Start: 11/14/2024 7:00:00 PM
End: 11/14/2024 8:00:00 PM
Show Time As: Tentative

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

Required Attendees: Leers, Ben (he/him/his); Schmitt, Ellen (she/her/hers); Cohen, Michael; 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 (she/her/hers); Ferreira, Nicholas (he/him/his); Fisher, Brian; Fortin, Kelly; Gallagher, Shirin; Gallegos, Jacob; Garcia, Ariel; Goold, Megan (she/her/hers); Graham, AshleyR (she/her/hers); Greene, Cynthia (she/her/hers); Haeuber, Richard; 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; Lifland, David; Lingard, Robert (he/him/his); Lohrke, Gregory; Mackintosh, David; Magee, Melanie; Mark, Jeremy; Mastro, Donna; Matichuk, Rebecca; 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 (he/him/his); Stenhouse, Jeb; Stone, William; Svingen, Eric; Talley, David; Thrift, Mike; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Triplett, Eric; Uher, Thomas (he/him/his); Vijayan, Abi; Villatora, Liliana; Vit, Wendy (she/her/hers); Walther, Katherine; Wells, Benjamin; Wieber, Kirk; Wilcox, Geoffrey; Wiley, Adina; Wong, Richard; Hong, Jeanhee; Ruvo, Richard (he/him/his); Vargas, Ricardito; Vaupel, Claudia; Thomas, Ronald; 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 (she/her/hers); Meyer, Jonathan; Rutherford, Robert; Lillis, Patrick; Fradkin, Kenneth; Kosin, Michele

Optional Attendees: Durch, Kyle; Corcoran, Katherine (she/her/hers); Sears, Owen (he/him/his); Snyder, Doug; DeLay, Robert; Martinez, Michael

Hello Transport Workgroup,

Today's agenda is attached. Please let me know if you have any additional agenda items. The meeting will be relatively short today.

Please let me (or 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

Microsoft Teams meeting

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Ex. 6 Personal Privacy (PP)

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Message

From: Suzuki, Debra [Suzuki.Debra@epa.gov]
Sent: 11/14/2024 6:59:37 PM
To: Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Dugan, Brett [Dugan.Brett@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Jentgen, Matthew [jentgen.matthew@epa.gov]
Subject: Previous messages on Pauses in activities
Attachments: Table of rules + SIP information.docx; FW: Pause in settlement negotiations

Ex. 5 Deliberative Process (DP)

Link to transition message: Transition Update from the Acting Administrator Catherine McCabe - News Items

Thanks,
Debra

From: Suzuki, Debra
Sent: Monday, January 23, 2017 10:03 AM
To: Chi, John <Chi.John@epa.gov>; Duboiski, Christi <duboiski.christi@epa.gov>; Hall, Kristin <Hall.Kristin@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Jager, Doug <Jager.Doug@epa.gov>; Jentgen, Matthew <jentgen.matthew@epa.gov>; McGown, Michael <McGown.Michael@epa.gov>; Miller, Christina <Miller.Christina@epa.gov>; Muller, Lori <muller.lori@epa.gov>; Pepple, Karl <Pepple.Karl@epa.gov>; Rose, Keith <Rose.Keith@epa.gov>; Ruddick, Randall <ruddick.randall@epa.gov>; Spenillo, Justin <Spenillo.Justin@epa.gov>; Vaupel, Claudia <Vaupel.Claudia@epa.gov>
Subject: Status of rulemakings

Hi. Below are the only emails I've seen so far relating to Ex. 5 Deliberative Process (DP) **I'm sure everyone is trying to figure things out and we'll get more guidance soon. ORC/OGC is taking the lead so far on responding to these requests. In the meantime, please let me know if you have questions.**

Thanks,

Debra

From: Smith, Kristi
Sent: Monday, January 23, 2017 10:07 AM
To: ORC - Regional Air Managers <ORC-Regional_Air_Managers@epa.gov>
Subject: ASAP review needed - final rules under CD or statutory deadline
Importance: High

ORC Air Managers -

Please see the note and highlighted entries in the list below. Please let me know which of the SIP actions in the list below are under a CD deadline OR are actions that were past the statutory deadline.

Please also let me know the name of any state-specific SIP actions that were signed in the last 2-3 weeks b/c of a CD deadline or statutory deadline but have not yet been published (my group is gathering the info on the larger rules, such as the 2008 ozone FFS).

- Kristi

Kristi M. Smith * Asst. General Counsel * US EPA, Office of General Counsel * smith.kristi@epa.gov * (202) 564-3068*

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

Sent from my iPhone

Begin forwarded message:

From: "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Date: January 22, 2017 at 3:55:12 PM EST
To: OGC ARLO MGMT <OGC_ARLO_MGMT@epa.gov>
Subject: asap review needed- any of these rules under CD?

Ex. 5 AC/DP

Let me know if you have questions. Thanks all.

++++++++++++
202-564-5647 (o)
202-695-6287 (c)

FRL#	Title	Effective Date	Under CD or statutory deadline?
9953-37-OW	State of Kentucky Section 1425 Underground Injection Control (UIC) Program Primacy Approval	1/26/2017	

9957-08-Region 2	Approval and Promulgation of Implementation Plans; New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review; Infrastructure State Implementation Plan Requirements	1/26/2017	
9957-39-Region 4	Air Plan Approval; KY; RACM Determination for the KY Portion of the Louisville Area 1997 Annual PM2.5	1/26/2017	
9957-16-Region 5	Air Plan Approval; Wisconsin; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS	1/26/2017	
9956-92-Region 6	Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Louisiana; Redesignation of Baton Rouge 2008 8-Hour Ozone Nonattainment Area to Attainment	1/26/2017	
9957-48-OW	State of Kentucky Underground Injection Control (UIC) Class II Program; Primacy Approval	1/27/2017	
9955-89-Region 5	Air Plan Approval; Illinois; Volatile Organic Compounds Definition	1/27/2017	
9955-62-Region 9	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District	1/27/2017	
9955-94-Region 9	Approval of California Air Plan Revisions, South Coast Air Quality Management District	1/27/2017	
9957-71-Region 10	Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area	2/3/2017	
9956-58-OLEM	Addition of a Subsurface Intrusion Component to the Hazard Ranking System	2/8/2017	
9957-27-Region 1	Approval and Promulgation of Implementation Plans; Rhode Island; Clean Air Act Infrastructure State and Federal Implementation Plans	2/8/2017	
9955-84-OAR	Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018	2/10/2017	
9949-90-OCSPP	Formaldehyde Emission Standards for Composite Wood Products	2/10/2017	
9957-85-OW	Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II Batch One	2/10/2017	
9956-55-Region 6	Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Visible Emissions and Particulate Matter	2/10/2017	
9956-41-Region 3	Determination of Attainment of the 2012 Annual Fine Particulate Matter Standard; Pennsylvania; Delaware County Nonattainment Area	2/13/2017	
9957-90-Region 4	Air Plan Approval; TN Infrastructure Requirements for the 2010 NO2 NAAQS	2/13/2017	

9957-93-Region 4	Approval and Promulgation of Implementation Plans; Alabama; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	2/13/2017	
9956-23-OAR	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter	2/16/2017	
9956-62-Region 5	Air Plan Approval; Michigan; Part 9 Miscellaneous Rules	2/17/2017	
9957-31-Region 3	National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site	2/21/2017	
9956-66-Region 9	Determination of Attainment of the 2008 Ozone National Ambient Air Quality Standards; Mariposa County, California	2/21/2017	
9928-27-Region 10	Adequacy of Washington Municipal Solid Waste Landfill Permit Program - Direct Final Rule	2/27/2017	
9956-45-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; State Boards	2/27/2017	
9956-70-OCSPP	Pesticides; Certification of Pesticide Applicators	3/6/2017	
9957-52-Region 4	Air Plan Approval; Georgia: Procedures for Testing and Monitoring Sources of Air Pollutants	3/6/2017	
9956-53-OARM	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/ Termination or Suspension of Permits; Procedures for Decisionmaking	3/10/2017	
9957-64-Region 9	Approval of Arizona Air Plan Revisions; Ajo and Morenci, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plans and Technical Correction	3/10/2017	
9954-46-OLEM	Modernization of the Accidental Release Prevention Regulations under Clean Air Act	3/14/2017	
9957-54-OAR	Revisions to National Emission Standards for Radon Emissions from Operating Mill Tailings	3/20/2017	

Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 11/14/2024 7:06:59 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]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]
CC: Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21
Attachments:TCEQ_comments.pdf; SC_comments.pdf; Luminant_comments.pdf

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

Rusk Panola FFA NFRM V2_HQ.docx

All,

The Region **agreed to COB 11/21 as the review deadline date.**

Thank you,
Alina

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, November 14, 2024 11:59 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Alina,

I think we should get the ball rolling to ask for *at least* one more day. Not to speak for him, but I know Mike wants to review, and he is likely to be swamped with emails tomorrow. He is out again on Monday (back Tuesday), which only really gives him 2 days to fit this into all of his other work. Moreover, R6 did not send this until late yesterday, so they have really only given us 5 business days…

Can we try asking for 11/21 and see what they say?

Thanks so much,
Hali

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

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Thursday, November 14, 2024 9:23 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Abi,

I've got a call with him at 1PM tomorrow (I am hoping he attends) I know he was traveling internationally, and I'll be sure to ask him about this. I already followed up with the region indicating that I did not think we could meet this deadline but have not proposed an alternative.

CD is 12/19

Thanks,
Alina

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, November 14, 2024 9:20 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Alina,

Mike is planning on taking the lead for this one, but he of course won't be able to speak to his ability to meet the requested deadline (which is unfairly crunching all of us, augh. Even with the looming CD deadline this feels unreasonable, I assume the Region is considering their own availability during Thanksgiving week…) until he's back tomorrow.

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, November 13, 2024 6:51 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi everyone,

We've received the final rulemaking for the FFA for Rusk Panola, TX. Adverse comments were received and comments are attached. **The region has requested a review deadline of 11/20.**
I know Mike is out and this one has a few adverse comments. The region split off the FFA from the limited/limited so this review is just for the FFA finalization and RTC.

Please let me know if the deadline works for you or otherwise.

Thank you so much,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Wednesday, November 13, 2024 4:20 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

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

A new item titled "Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area" has been submitted by Region 06 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area
State: TX
Region: 06
Standard: SO2 (2010)
Area: Rusk-Panola Nonattainment Area
Document Category: Other
Date Submitted to HQ: 2024-11-13
HQ Due Date: 2024-11-20
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: comment letters attached. CD deadline of 12/19/24 for this final action.
Regional Manager(s): Feldman, Michael;
Regional Staff Lead(s): Lee, Andrew;
ORC Staff Lead(s): Villegas, Brooke (she/her/hers); Vargas, Aaron;
OAQPS Staff Involved: Brashear, Angelina (she/her/hers);
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
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: 11/14/2024 7:49:52 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: EE Training Session
Attachments: 2024 EER Legal Overview Training Presentation.pptx

CUI//PRIVILEGE

Hi Yasmín,

Hope you're doing okay today! I just wanted to let you know how the presentation went. Everyone said it was VERY thorough haha left no stone unturned apparently. Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks for your review of the slides! Really appreciate it.

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: Pettit, Elizabeth (Libby)
Sent: Thursday, November 14, 2024 12:15 PM
To: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Subject: FW: EE Training Session

Hi Gobeail,

Gabrielle just mentioned that you'll be facilitating the presentation this afternoon, so sending my slide deck your way.

Thanks!

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

From: Pettit, Elizabeth (Libby)
Sent: Thursday, November 14, 2024 12:07 PM
To: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: EE Training Session

Hi Gabrielle,

Attached is the slide deck for today's legal presentation. I've (very frustratingly) had unexpected drilling into the floor above my apartment today but am hopeful it'll stop soon! If not, I think AirPods usually kills background noise? So I could always try using them while presenting, but just a heads up that it could get a little messy…

Thanks!

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

From: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Sent: Friday, November 8, 2024 3:29 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: EE Training Session

Hi Libby,

I hope your week went well!

Do you have a slide deck or any other materials/information you would like me to attach to the calendar invite for your EE training session next Thursday, November 14? We'll be recording the session, but folks might find it helpful to have access to any materials you use if you're comfortable sharing them. I can attach anything you get to me by noon Thursday.

Thank you again for your participation!
Gabrielle

Gabrielle Deabler (she/her/hers)
Geographic Strategies Group
Office of Air Quality Planning and Standards
Phone: (919)541-5766
Email: deabler.gabrielle@epa.gov

Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 11/15/2024 6:40:36 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21
Attachments:TCEQ_comments.pdf; SC_comments.pdf; Luminant_comments.pdf

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

Rusk Panola FFA NFRM V2_HQ.docx

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, November 15, 2024 1:40 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

oops

From: Thrift, Mike
Sent: Friday, November 15, 2024 10:39 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

Also, as this is a FFA/DAAD action, it s also supposed to go to Kaytrue (added) as the actual ARLO lead, with us SO2ers as backups. No idea if she can accommodate this schedule.

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, November 14, 2024 11:19 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

Fantastic. Thank you so much, Alina.

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

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Thursday, November 14, 2024 2:07 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>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

All,

The Region **agreed to COB 11/21 as the review deadline date.**

Thank you,
Alina

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, November 14, 2024 11:59 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>

Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Alina,

I think we should get the ball rolling to ask for *at least* one more day. Not to speak for him, but I know Mike wants to review, and he is likely to be swamped with emails tomorrow. He is out again on Monday (back Tuesday), which only really gives him 2 days to fit this into all of his other work. Moreover, R6 did not send this until late yesterday, so they have really only given us 5 business days…

Can we try asking for 11/21 and see what they say?

Thanks so much,
Hali

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

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
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Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Abi,

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<Porter.Matthew@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

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Mike is planning on taking the lead for this one, but he of course won't be able to speak to his ability to meet the requested deadline (which is unfairly crunching all of us, augh. Even with the looming CD deadline this feels unreasonable, I assume the Region is considering their own availability during Thanksgiving week...) until he's back tomorrow.

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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(no emphasis on either syllable, cadence like and rhymes with "cubby")

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Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

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I know Mike is out and this one has a few adverse comments. The region split off the FFA from the limited/limited so this review is just for the FFA finalization and RTC.

Please let me know if the deadline works for you or otherwise.

Thank you so much,
Alina

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Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

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A new item titled "Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area" has been submitted by Region 06 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area
State: TX
Region: 06
Standard: SO2 (2010)
Area: Rusk-Panola Nonattainment Area
Document Category: Other
Date Submitted to HQ: 2024-11-13
HQ Due Date: 2024-11-20
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: comment letters attached. CD deadline of 12/19/24 for this final action.
Regional Manager(s): Feldman, Michael;
Regional Staff Lead(s): Lee, Andrew;
ORC Staff Lead(s): Villegas, Brooke (she/her/hers); Vargas, Aaron;
OAQPS Staff Involved: Brashear, Angelina (she/her/hers);
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 11/18/2024 1:03:45 PM
To: Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
CC: Scott, Denise [Scott.Denise@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]
Subject: SO2 catch up (week of 11/18/24)
Attachments: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

Brashear, Angelina (she/her/hers) has shared OneDrive for Business files with you. To view them, click the links below.

Comm Plan S-N-P Secondary NAAQS Final.docx

Fact Sheet - S-N-P Secondary NAAQS final.docx

Rusk Panola FFA NFRM V2_HQ.docx

Good morning everyone,

Please see this week's SO_2 updates and let me know if there are any additional items to raise for the group!

I will be out of the country starting 11/24 and will return to the office on 12/5. If you should need anything please contact Dylan and Stephen for assistance during this time.

Area Updates & Hot Topics

Ex. 5 AC/DP

Upcoming Meetings

Ex. 5 AC/DP

HQ Portal Items for Review

Ex. 5 AC/DP

Non-Portal Items for Review

- Q&A document (attached) please take a look and review. Q and A S-N-P Secondary NAAQS Final.docx
- Fact Sheet and Communication Plan were cleaned up but welcome folks to take another look (attached to email).

Upcoming Leave

- Alina 11/25 – 12/4 (out of country)
- Clint 11/25 – 11/29
- Mike 11/27 – 11/29
- Isabella 12/5 – 12/16
- Clint 12/23 – 12/27
- Mike 12/23 – 1/8

Please send anything I may have missed!

Kind regards,
Alina

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Message

From: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Sent: 11/18/2024 3:03:42 PM
To: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
Subject: Leftover SIP Elements Policy - CBD N.D. Cal. Litigation
Attachments: US_DIS_CAND_3_22cv3309_d447862942e1590_ORDER_by_Judge_Richard_Seeborg_Granting_35_Motion_.pdf; US_DIS_CAND_3_22cv3309_d208587875e1908_MOTION_to_Enforce_Judgment_filed_by_Center_for_Bio.pdf; 21.pdf; CBD v. Regan - Opposition to Motion to Enforce CD (ECF 50).pdf; US_DIS_CAND_3_22cv3309_d1338298161e2401_REPLY_re_49_MOTION_to_Enforce_Judgment_filed_byCen.pdf; CBD v. Regan 22-cv-3309 - Order Denying Motion to Enforce.pdf; CBD v. Regan Notice of Appeal.pdf

CUI//PRIVILEGE

Hi Jeff,

Ex. 5 AC/AWP/DP

If more info would be helpful for the leftover SIP elements policy when you're working on the brief, just let me know and I can see what other documents I have that might be worth sharing. I'll be out December 6-16 (leave and an oral argument) but will otherwise be around until a longer trip in late January – leaving January 26.

Thanks again!

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: 11/18/2024 5:34:56 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Louisville check-in

FYI for your conversation with G and Scott

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Tuesday, November 12, 2024 12:16 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: Louisville check-in

Thanks Kaytrue. I appreciate your offer. I will think about this when I get a chance and get with Denisse and the acting RA.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, November 12, 2024 12:03 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Cc: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: Louisville check-in

Ex. 5 AC/AWP/DP

Hope you are doing well too!

Kaytrue

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Tuesday, November 12, 2024 9:39 AM

To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>
Subject: RE: Louisville check-in

Good Morning,

Ex. 5 AC/AWP/DP

I hope your day is going well.

Lynorae

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, November 12, 2024 9:32 AM
To: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Freund, Weston (he/him/his) <Freund.Weston@epa.gov>
Subject: Louisville check-in

Hi all,

Ex. 5 AC/AWP/DP

Thanks,
Kaytrue

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 11/18/2024 6:48:02 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: Draft CD and 113(g) docs for CA Clean Truck Check suit
Attachments: Action Memo 113(g) - HD I&M.docx; ENV_DEFENSE-#1266687-v2-CCAEJ__Updated_Draft_Proposed_Consent_Decree.DOC; FRN for 113(g) - HD I&M.docx

Hi Abi – We now have party agreement on CD terms for the California Clean Truck Check (heavy-duty I/M) deadline suit. I'm attaching the draft proposed CD here, along with a draft 113(g) memo and notice, for routing to Gautam.

- The draft proposed CD is unsigned for now, but we are expecting to get plaintiff signature soon. I figured I'd send this your way for now, but if you need to wait on the signed copy that's ok, too.
- The memo and notice are based off the models you sent me for the South Coast 182(e)(5) Contingency Measure Plan CD. Those will both look very similar to the CMP docs.

Let me know any questions or requested fixes. Thanks!

- — — — - — - -
JESSE LUEDERS
Assistant Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
415.972.3174
lueders.jesse@epa.gov

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 415.972.3174.

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 11/19/2024 2:41:43 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]
Subject: RE: Louisville considerations

Ex. 5 AC/AWP/DP

From: Mathias, Scott <Mathias.Scott@epa.gov>
Sent: Tuesday, November 19, 2024 7:40 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Subject: RE: Louisville considerations

Ex. 5 AC/AWP/DP

Scott Mathias | Director, Air Quality Policy Division | U.S. EPA OAQPS
(919) 541-5310 | Research Triangle Park, NC 27709 pronouns: he/him/his

CONFIDENTIALITY. This email and any attachments may 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.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, November 18, 2024 2:32 PM
To: Mathias, Scott <Mathias.Scott@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: Louisville considerations

Hi Scott,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Hope this is helpful in your conversations with Lynorae. Please feel free to follow up with any questions.

Kaytrue

Message

From: Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]
Sent: 11/19/2024 2:44:27 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: Senter, Stephen [Senter.Stephen@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21
Attachments:Luminant_comments.pdf; SC_comments.pdf; TCEQ_comments.pdf

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

Rusk Panola FFA NFRM V2_HQ.docx

Hi all,

Just a friendly reminder that this review is due by COB 11/21.

Thank you,
Alina

From: Brashear, Angelina (she/her/hers)
Sent: Friday, November 15, 2024 1:41 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

From: Thrift, Mike <thrift.mike@epa.gov>
Sent: Friday, November 15, 2024 1:40 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew

<Porter.Matthew@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

oops

From: Thrift, Mike
Sent: Friday, November 15, 2024 10:39 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

Also, as this is a FFA/DAAD action, it s also supposed to go to Kaytrue (added) as the actual ARLO lead, with us SO2ers as backups. No idea if she can accommodate this schedule.

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, November 14, 2024 11:19 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

Fantastic. Thank you so much, Alina.

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

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Thursday, November 14, 2024 2:07 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>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-21

All,

The Region **agreed to COB 11/21 as the review deadline date.**

Thank you,
Alina

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, November 14, 2024 11:59 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Alina,

I think we should get the ball rolling to ask for *at least* one more day. Not to speak for him, but I know Mike wants to review, and he is likely to be swamped with emails tomorrow. He is out again on Monday (back Tuesday), which only really gives him 2 days to fit this into all of his other work. Moreover, R6 did not send this until late yesterday, so they have really only given us 5 business days…

Can we try asking for 11/21 and see what they say?

Thanks so much,
Hali

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

From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Thursday, November 14, 2024 9:23 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Abi,

I've got a call with him at 1PM tomorrow (I am hoping he attends) I know he was traveling internationally, and I'll be sure to ask him about this. I already followed up with the region indicating that I did not think we could meet this deadline but have not proposed an alternative.

CD is 12/19

Thanks,
Alina

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, November 14, 2024 9:20 AM
To: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi Alina,

Mike is planning on taking the lead for this one, but he of course won't be able to speak to his ability to meet the requested deadline (which is unfairly crunching all of us, augh. Even with the looming CD deadline this feels unreasonable, I assume the Region is considering their own availability during Thanksgiving week…) until he's back tomorrow.

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>
Sent: Wednesday, November 13, 2024 6:51 PM
To: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Hawes, Todd <Hawes.Todd@epa.gov>; Tillerson, Clint <Tillerson.Clint@epa.gov>; Porter, Matthew <Porter.Matthew@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

Hi everyone,

We've received the final rulemaking for the FFA for Rusk Panola, TX. Adverse comments were received and comments are attached. **The region has requested a review deadline of 11/20.**
I know Mike is out and this one has a few adverse comments. The region split off the FFA from the limited/limited so this review is just for the FFA finalization and RTC.

Please let me know if the deadline works for you or otherwise.

Thank you so much,
Alina

From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Wednesday, November 13, 2024 4:20 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area Due 2024-11-20

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

A new item titled "Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area" has been submitted by Region 06 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Final Action - Finding of Failure to Attain for Rusk and Panola Counties SO2 Nonattainment area
State: TX
Region: 06
Standard: SO2 (2010)
Area: Rusk-Panola Nonattainment Area
Document Category: Other
Date Submitted to HQ: 2024-11-13

HQ Due Date: 2024-11-20
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: comment letters attached. CD deadline of 12/19/24 for this final action.
Regional Manager(s): Feldman, Michael;
Regional Staff Lead(s): Lee, Andrew;
ORC Staff Lead(s): Villegas, Brooke (she/her/hers); Vargas, Aaron;
OAQPS Staff Involved: Brashear, Angelina (she/her/hers);
OGC Staff Involved: Thrift, Mike; Kerr, Hali (she/her/hers);
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: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 11/19/2024 5:46:46 PM
To: Nowell, Valerie [Nowell.Valerie@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]
Subject: RE: Louisville O3 redesignation action

CUI//PRIVILEGE

Hi Valerie,

We don't have any formal written materials, since there has yet to be any briefing on this topic. These are the thoughts that I shared with Lynorae last week, with a bit more detail added.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Happy to chat further with you all if it would be helpful.

Kaytrue

Controlled by U.S. Environmental Protection Agency

From: Nowell, Valerie <Nowell.Valerie@epa.gov>
Sent: Tuesday, November 19, 2024 11:51 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: FW: Louisville O3 redesignation action

CUI//PRIVILEGE

Hi Abi – I write to pass along the email string below, just to make sure OGC is aware of this information.

If OGC already has any written materials that we could pass along to our Regional Counsel on this topic, please feel free to send them to Gretchen Frizzell and I.

The Regional Administrator is scheduled to be out of the country next week so this decision may move quickly and the possibility exists that our Regional Counsel will end up speaking to the RA and the ARD DD at some point soon – it might be just the three of them. A more formal briefing might be scheduled but given the time frames and travel schedules (ARD DD and Lynorae Benjamin are on travel now and tomorrow), an impromptu meeting with the RA might end up happening. Thank you.

Valerie Nowell
Supervisory Attorney, Air and EPCRA Legal Branch
U.S. Environmental Protection Agency, Region 4
(404) 562-9555

I sent this at a time that was convenient for me without expectation for a response outside of business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

Controlled by U.S. Environmental Protection Agency

From: Nowell, Valerie
Sent: Tuesday, November 19, 2024 11:44 AM
To: Diaz, Denisse <Diaz.Denisse@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Spann, Jane

<Spann.Jane@epa.gov>
Cc: Walther, Katherine <Walther.Katherine@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Subject: RE: Louisville O3 redesignation action

Hi everyone – For planning purposes, just in case anyone isn't aware, I was informed that JMG will be out of the country next week. Also, I'm adding Gretchen Frizzell to this email string as she's the ORC attorney assigned to the KY redesignation request. Thank you.

Valerie Nowell
Supervisory Attorney, Air and EPCRA Legal Branch
U.S. Environmental Protection Agency, Region 4
(404) 562-9555

I sent this at a time that was convenient for me without expectation for a response outside of business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.

From: Diaz, Denisse <Diaz.Denisse@epa.gov>
Sent: Tuesday, November 19, 2024 9:16 AM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>
Cc: Walther, Katherine <Walther.Katherine@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: FW: Louisville O3 redesignation action

Good Morning:
Please see below my email exchange with Scott Matthias. I would like to schedule an internal briefing (ORC and ARD) very soon and a briefing with JMG shortly after. Thanks.

Denisse

From: Diaz, Denisse
Sent: Tuesday, November 19, 2024 9:13 AM
To: Mathias, Scott <Mathias.Scott@epa.gov>
Cc: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Subject: RE: Louisville O3 redesignation action

Thanks Scott. I would like to raise this issue to my leadership in R4 and OAR. I will get with my team so that we can schedule a briefing with JMG as soon as possible.

Thanks.
Denisse

From: Mathias, Scott <Mathias.Scott@epa.gov>
Sent: Tuesday, November 19, 2024 7:47 AM
To: Diaz, Denisse <Diaz.Denisse@epa.gov>
Cc: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Subject: Louisville O3 redesignation action

Denisse,

Ex. 5 AC/AWP/DP

Scott Mathias | Director, Air Quality Policy Division | U.S. EPA OAQPS
(919) 541-5310 | Research Triangle Park, NC 27709 pronouns: he/him/his

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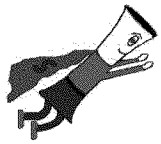

Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 11/20/2024 3:13:23 PM
To: Abrahamian, Tanya (she/her/hers) [abrahamian.tanya@epa.gov]; Ahuja, Anupa [ahuja.anupa@epa.gov]; Becoat, Gregory [becoat.gregory@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Deese, William [deese.william@epa.gov]; Dobrahner, Jaslyn [Dobrahner.Jaslyn@epa.gov]; Dorantes, Michael (he/him/his) [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]; Gesualdo, Matthew (he/him/his) [Gesualdo.Matthew@epa.gov]; Gordon, Michael [Gordon.Mike@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Grady, James [Grady.James@epa.gov]; Hall, Jeremiah [hall.jeremiah@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Huser, Jennifer [Huser.Jennifer@epa.gov]; James, Corin [James.Corin01@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; McDowell, Jaron [McDowell.Jaron@epa.gov]; McIntyre, Gerald [McIntyre.Gerald@epa.gov]; Mohr, Ashley [Mohr.Ashley@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Panos, Christos [Panos.Christos@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Reder, Blythe (they/them/theirs) [Reder.Blythe@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Shahin, Emad [Shahin.Emad@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Steib, Clovis [steib.clovis@epa.gov]; Stevens, Arnold [stevens.arnold@epa.gov]; Sutton, Lisa [Sutton.Lisa@epa.gov]; Suzuki, Debra [Suzuki.Debra@epa.gov]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@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]; Wiley, Adina [Wiley.Adina@epa.gov]; Williams-Miles, Pearlene [WilliamsMiles.Pearlene@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Wolkins, Jed (he/him/his) [wolkins.jed@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]; Kornylak, Vera S. [Kornylak.Vera@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]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Reddick, Lorraine [Reddick.Lorraine@epa.gov]; Saltman, Tamara [Saltman.Tamara@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Washington, Stephanie [Washington.Stephanie@epa.gov]
Subject: RE: November National SIP Processing Workgroup Conference Call
Attachments: 2024-11-21_Agenda.docx; ID_Notebook_update_2024-26506.pdf; SIP EJ EO Template - REVISED October 2024.docx; SIP Streamlined Statutory and EO Language - October 2024.docx

Draft Agenda National SIP Processing Workgroup Conference Call
Thursday, November 21, 2024 12:00 PM to 1:00 PM ET

Ex. 6 Personal Privacy (PP)

SIP Workgroup SharePoint site

Region 1 will take meeting minutes (action items – if needed).

Join the meeting now

Discussion Items

1. EJ Template / EJ in SIPs
2. Anticipated regulatory freeze
3. Update on FIP Process Guide progress
4. Additional Questions/Comments from the Regions

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

1) 2024-11-21_Agenda.docx
2) ID_Notebook_update_2024-26506.pdf
3) SIP EJ EO Template - REVISED October 2024.docx
4) SIP Streamlined Statutory and EO Language - October 2024.docx

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

-----Original Appointment-----
From: National SIP Processing Workgroup <NatlSIPProcessingWG@epa.gov>
Sent: Friday, October 25, 2024 7:10 AM
To: National SIP Processing Workgroup; Panos, Christos
Cc: James, Corin
Subject: National SIP Processing Workgroup Conference Call
When: Thursday, November 21, 2024 12:00 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)

More info

For organizers: Meeting options | Reset dial-in PIN

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Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 11/20/2024 3:10:49 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; James, Corin [James.Corin01@epa.gov]
CC: Gross, Louise C [gross.louise@epa.gov]; Cecala, Ian [cecala.ian@epa.gov]
Subject: RE: Ohio ANR
Attachments: Ohio ANR

CUI//PRIVILEGE

Good morning Abi,

The adverse comments are contained in the attached message as well as a SharePoint link to all of the comments. Please let me know if you have trouble accessing them.

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, November 20, 2024 7:59 AM
To: Cecala, Ian <cecala.ian@epa.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Gross, Louise C <gross.louise@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: RE: Ohio ANR

CUI//PRIVILEGE

Thanks, Ian. Could you please send us a copy of the comments as well?

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Cecala, Ian <cecala.ian@epa.gov>
Sent: Tuesday, November 19, 2024 6:32 PM
To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Gross, Louise C <gross.louise@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: Ohio ANR

Abi and Corin:

Ex. 5 AC/DP

Thanks,

Ian Cecala
Associate Regional Counsel
U.S. Environmental Protection Agency (Region 5)
77 W. Jackson Blvd. (C-14J)
Chicago, IL 60604
(312) 353-5966

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Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 11/21/2024 5:48:27 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: Draft 113(g) notice and action memo
Attachments: Action Memo 113(g) - HD I&M.docx; ENV_DEFENSE-#1266687-v2-CCAEJ__Updated_Draft_Proposed_Consent_Decree.DOC; FRN for 113(g) - HD I&M.docx

Hi Gautam – I'm attaching for your review a draft 113(g) notice and supporting memo for a proposed deadline suit CD. The deadline suit relates to a single SIP submittal, for California's "Clean Truck Check" inspection and maintenance program for heavy-duty vehicles.

The notice and memo are based on documents we drafted for the South Coast 182(e)(5) contingency measure plan CD, which you reviewed a few months back. Abi has already reviewed these.

There's no special rush on this, but DOJ has asked for an estimate of expected timing to complete EPA review. You can reach out to me with any questions.

Thank you!

- — — — - — - -
JESSE LUEDERS
Assistant Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
415.972.3174
lueders.jesse@epa.gov

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Message

From: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Sent: 11/21/2024 11:06:26 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Complaint re SJV 1997 PM2.5 and 2015 Ozone
Attachments: Complaint 2024 1107.pdf

Hi Abi – just passing along that someone in R9 ARD noticed that this complaint is not on your website yet . . .

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

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From: Christenson, Kara (she/her/hers)
Sent: Thursday, November 7, 2024 4:28 PM
To: Messing, Aaron <Messing.Aaron@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Complaint re SJV 1997 PM2.5 and 2015 Ozone

Hi – Brent Newell filed his complaint today re attainment determination for SJV 1997 PM2.5 and attainment plan for 2015 ozone. See attached.

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.

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 11/22/2024 4:44:00 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: FYI on tomorrow's 4 pm call on Louisville with R4 RC

Done.

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

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Friday, November 22, 2024 10:58 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: FYI on tomorrow's 4 pm call on Louisville with R4 RC

Hi Gautam,

Abi and I were discussing your idea of getting Lynorae (or whoever from the program, but she is the self-appointed lead) on this afternoon's call. Given that I have been trying to get her to talk to me about this for the last six weeks to no avail, I am guessing it will be a dead end for me to ask Gretchen to invite her. Would you mind pressing Leif to have ARD join the call this afternoon?

Kaytrue

From: Ting, Kaytrue
Sent: Thursday, November 21, 2024 10:09 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: FYI on tomorrow's 4 pm call on Louisville with R4 RC

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, November 21, 2024 7:35 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: FYI on tomorrow's 4 pm call on Louisville with R4 RC

Ex. 5 AC/AWP/DP

Welcome your more considered input and very much appreciate you both.

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

he/him/his

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, November 21, 2024 6:08 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: FYI on tomorrow's 4 pm call on Louisville with R4 RC

Hi Gautam, Kaytrue –

Ex. 5 AC/AWP/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | 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: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 11/22/2024 5:04:32 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: Draft 113(g) notice and action memo
Attachments: ENV_DEFENSE-#1266687-v2-CCAEJ__Updated_Draft_Proposed_Consent_Decree.pdf; FRN for 113(g) - HD I&M Final.docx; Action Memo 113(g) - HD I&M Final.docx

CUI//PRIVILEGE

Thank you, Gautam. That's a good catch. I've added the following:

Ex. 5 AC/AWP/DP

Abi: I'm attaching the final documents, including clean copy of the action memo incorporating the above addition. Can you start this routing for publication? Or let me know if you'll need anything more from me. And I'll let DOJ know we're good with the language and will be proceeding with the 113(g) process. Thank you!

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, November 22, 2024 8:04 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Draft 113(g) notice and action memo

Ex. 5 AC/AWP/DP

Thanks for your work on this!

++++++++++++++

(202) 695-6287
he/him/his

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Thursday, November 21, 2024 12:48 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: Draft 113(g) notice and action memo

Hi Gautam – I'm attaching for your review a draft 113(g) notice and supporting memo for a proposed deadline suit CD. The deadline suit relates to a single SIP submittal, for California's "Clean Truck Check" inspection and maintenance program for heavy-duty vehicles.

The notice and memo are based on documents we drafted for the South Coast 182(e)(5) contingency measure plan CD, which you reviewed a few months back. Abi has already reviewed these.

There's no special rush on this, but DOJ has asked for an estimate of expected timing to complete EPA review. You can reach out to me with any questions.

Thank you!

- — — — - — - -
JESSE LUEDERS
Assistant Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
415.972.3174
lueders.jesse@epa.gov

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Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 11/22/2024 8:07:51 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: 2015 O3 | Louisville redesig NOI

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

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From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Thursday, June 27, 2024 11:51 AM
To: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: 2015 O3 | Louisville redesig NOI

FYI on the current state of play with KY's 2015 ozone redesignation request for their portion of the Louisville KY-IN area.

From: Spann, Jane <Spann.Jane@epa.gov>
Sent: Thursday, June 27, 2024 10:30 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Subject: RE: Louisville redesig NOI

Hi Bob.

Ex. 5 AC/AWP/DP

Jane

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Thursday, June 27, 2024 8:36 AM
To: Spann, Jane <Spann.Jane@epa.gov>
Subject: Louisville redesig NOI

Hello Jane –

I'm checking in to see if Region 4 made contact with KY on the Louisville NOI. Thanks for an update when you're able.

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

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 11/23/2024 3:05:36 PM
To: Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Hansen, Susan [Hansen.Susan@epa.gov]
CC: Nowell, Valerie [Nowell.Valerie@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Diaz, Denisse [Diaz.Denisse@epa.gov]
Subject: RE: Louisville ozone redesignation deadline suit
Attachments: bullets on violations.docx

Hi all,

Ex. 5 AC/AWP/DP

Please let me know if there's anything else I can help with or clarify.

Thanks,
Kaytrue

-----Original Appointment-----
From: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Sent: Thursday, November 21, 2024 4:53 PM
To: Frizzell, Gretchen (she/her/hers); Ting, Kaytrue; Vijayan, Abi; Srinivasan, Gautam; Palmer, Leif; Hansen, Susan
Cc: Nowell, Valerie; Benjamin, Lynorae; Diaz, Denisse
Subject: Louisville ozone redesignation deadline suit
When: Friday, November 22, 2024 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Placeholder. Details to come.

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Message

From: Feldman, Michael [Feldman.Michael@epa.gov]
Sent: 11/25/2024 5:11:33 PM
To: James, Corin [James.Corin01@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03
Attachments: TxCH111_comments.zip

Attached are the comment letters.

Ex. 5 AC/DP

TX Ch 111 Comments-Summaries-Responses.docx

Ex. 5 AC/DP

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, November 25, 2024 9:36 AM
To: Feldman, Michael <Feldman.Michael@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Thanks Michael – can you please send this group the comments that address **Ex. 5 AC/DP**

From: Feldman, Michael <Feldman.Michael@epa.gov>
Sent: Monday, November 25, 2024 9:56 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Here is a link to the draft final FRN: Texas Ch 111 AOs Disapproval Final Rule.docx

Please let me know if you need the SIP submittal, comment letters or any other information.

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, November 25, 2024 8:29 AM
To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Feldman, Michael <Feldman.Michael@epa.gov>

Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Looping Michael Feldman—Michael, can you make sure the folks on this email have access to the TX doc?

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, November 25, 2024 9:22 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Seth, can you re-share the link for this? I tried to click on Sydney's link below but got an error message… I can also reach out to her if that's easier, just let me know.

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Thursday, November 21, 2024 2:39 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; James, Corin <James.Corin01@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Abi, I think it's probably worth you reviewing now as well (or if next week works better, feel free) Ex. 5 AC/DP

Ex. 5 AC/DP

Let me know if anyone has questions or wants to confer about something offline before throwing it into the doc (particularly if it's going to be some kind of major shift in what we have). Thanks all.

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Thursday, November 21, 2024 2:35 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Christenson-Diver, Elizabeth (she/her/hers) <ChristensonDiver.Elizabeth@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Thanks for looping us, Abi! Fine by me to work off the shared version – I've copied and pasted the link again here. I think everyone should have access, but let me know if anyone has any trouble getting into the doc. Looks like R6 has requested review by 12/3.

https://usepa.sharepoint.com/sites/OAR_Custom/APQDSIPLEAN/_layouts/15/listform.aspx?PageType=4&ListId=d7e5cbe6%2Dee18%2D4def%2D98be%2Db967a2ed2df8&ID=985&ContentTypeID=0x01008016101D926D784E9AE2CA2111630894

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, November 21, 2024 2:01 PM
To: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; King, Rochelle (she/her/hers) <King.Rochelle@epa.gov>; Millar, Emily

<Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

Adding Cheryl and Sydney as this one should have gone to them. Sydney, note that R6 is asking we don't set up a separate HQ version!

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Thursday, November 21, 2024 1:48 PM
To: Palma, Elizabeth <Palma.Elizabeth@epa.gov>; King, Rochelle (she/her/hers) <King.Rochelle@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter Due 2024-12-03

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

A new item titled "Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter" has been submitted by Region 06 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Final Action - Texas Chapter 111 and Agreed Orders - Control of Air Pollution from Visible Emissions and Particulate Matter
State: TX
Region: 06
Standard: N/A
Area: Texas
Document Category: Other
Date Submitted to HQ: 2024-11-21
HQ Due Date: 2024-12-03
Reason for Review: Both Adverse Comment & National Consistency
Requested Review Office: OAQPS & OGC
Region Comments: CD deadline is 12/20. Target for RA signature is 12/16. This is a work in progress. Region 6 continues to work with OGC to refine responses. Please work within this shared version and do not create a separate offline version of the document.

Regional Manager(s): Feldman, Michael; Donaldson, Guy;
Regional Staff Lead(s): Feldman, Michael; Ruan-Lei, Karolina;
ORC Staff Lead(s): Gallegos, Jacob;
OAQPS Staff Involved:
OGC Staff Involved: Nolbaum, Seth (he/him/his);
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 11/26/2024 8:04:11 PM
To: Donaldson, Guy [Donaldson.Guy@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Patulski, Meg [patulski.meg@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]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Coryell, Mark [coryell.mark@epa.gov]; James, Corin [James.Corin01@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]
Subject: RE: HQ SIP Portal: Attainment Demonstrations for the DFW and HGB Moderate and Serious NAA Due 2024-10-25
Attachments: Texas AD Disapproval PR - HQ.docx

Hello, Region 6 friends –

Thanks for your patience as we completed HQ review of the proposed DFW-HGB attainment demo disapproval (attached). Please contact the review team with any thoughts and questions.

Happy Thanksgiving 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: Microsoft Power Apps and Power Automate <microsoft@powerapps.com>
Sent: Thursday, October 10, 2024 6:09 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Millar, Emily <Millar.Emily@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: HQ SIP Portal: Attainment Demonstrations for the DFW and HGB Moderate and Serious NAA Due 2024-10-25

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A new item titled "Attainment Demonstrations for the DFW and HGB Moderate and Serious NAA" has been submitted by Region 06 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Attainment Demonstrations for the DFW and HGB Moderate and Serious NAA
State: TX
Region: 06
Standard: Ozone (2008)
Area: DFW and HGB
Document Category: AP/MP

Date Submitted to HQ: 2024-10-10
HQ Due Date: 2024-10-25
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC

Ex. 5 AC/DP

Regional Manager(s): Magee, Melanie;
Regional Staff Lead(s): Tsui-Bowen, Alethea; Paige, Carrie;
ORC Staff Lead(s): Ogbodo, Ndubisi;
OAQPS Staff Involved: Lingard, Robert (he/him/his);
OGC Staff Involved: Bianco, Karen;
ORC Reviewed Before Submission to HQ: Yes
Link to Files:

Ex. 6 Personal Privacy (PP)

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Message

From: ecfnoticing@cadc.uscourts.gov [ecfnoticing@cadc.uscourts.gov]
Sent: 11/27/2024 7:14:44 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 19-1140 American Lung Association, et al v. EPA, et al "Notice 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 11/27/2024 at 2:14:43 PM Eastern Standard Time and filed on 11/27/2024

Case Name:	American Lung Association, et al v. EPA, et al
Case Number:	19-1140
Document(s):	Document(s)

Docket Text:
NOTICE [2087119] to withdraw attorney John A. Rego who represented Murray Energy Corporation in 19-1140 filed by Murray Energy Corporation in 19-1140 [Service Date: 11/27/2024] [19-1140, 19-1165, 19-1166, 19-1173, 19-1175, 19-1176, 19-1177, 19-1179, 19-1185, 19-1186, 19-1187, 19-1188] (Rego, John)

Notice will be electronically mailed to:

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Randelle Boots: rboots@riag.ri.gov, mbedell@riag.ri.gov
Mr. Wesley Scott Williams: wesley.williams@oag.texas.gov, david.laurent@oag.texas.gov
Garrison Todd: garrison.todd@alaska.gov, benjamin.merkouris@alaska.gov, christina.fisher@alaska.gov, anadela.gallego@alaska.gov
Emma Akrawi, Assistant Attorney General: Emma.Akrawi@maine.gov
Sara A. Colangelo: sac54@law.georgetown.edu, sara.colangelo@law.georgetown.edu
Mr. Samuel Charles Freedlund: Samuel.Freedlund@ago.mo.gov, tammy.glenn@ago.mo.gov
India McGhee: india.mcghee@phila.gov
Hannah Yindra: hannah.yindra@vermont.gov
Stanford Purser: spurser@agutah.gov, rauvaa@agutah.gov, clesmes@agutah.gov
Ms. Nicole G. Berner: nicole.berner@seiu.org
Eric Alan Isaacson: ericalanisaacson@icloud.com, eri628@g.harvard.edu

Mr. Ethan G. Shenkman: ethan.shenkman@arnoldporter.com, ethan-shenkman-3992@ecf.pacerpro.com
Ms. Renee Marie Gerni, Assistant General Counsel: renee.gerni@seiu.org, renee.gerni@seiu.org
Michael Burger, Attorney: mburger@law.columbia.edu
Mr. Stephen K. Wirth: stephen.wirth@arnoldporter.com, stephen-wirth-4858@ecf.pacerpro.com
Mr. Wyatt Gregory Sassman: wsassman@law.du.edu
Mr. Robert Weinstock: robert.weinstock@law.northwestern.edu
Mark Norman Templeton: templeton@uchicago.edu
Ms. Keri Rae Davidson: keri@donahuegoldberg.com
Mr. Jonas Monast: jmonast@email.unc.edu
Ms. Elizabeth Wydra, Chief Counsel: Elizabeth@theusconstitution.org
Ms. Brianne Jenna Gorod: brianne@theusconstitution.org, elizabeth@theusconstitution.org, brian@theusconstitution.org, miriam@theusconstitution.org, smita@theusconstitution.org, alex@theusconstitution.org
Mr. Eugene Grace, Senior Counsel: ggrace@cleanpower.org, gtabak@cleanpower.org, jjochum@cleanpower.org, mpaquin@cleanpower.org
Mr. Martin Levy, Attorney: malevy@cov.com
Mr. John A. Rego: jrego@beneschlaw.com, docket@beneschlaw.com

Charles T. Wehland: ctwehland@jonesday.com, mkrsacok@jonesday.com, yroth@jonesday.com, tlarsen@jonesday.com, blucas@jonesday.com (*daily summary*)
Steven Novick: steve.novick@doj.oregon.gov (*daily summary*)
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*)

Document to be served by alternative means on:

William F. Cooper
State of Hawaii Department of the Attorney General
425 Queen Street
Honolulu, HI 96813

Joseph Anthony Scalfani
Office of Mississippi Governor Phil Bryant
PO Box 139
Jackson, MS 39205

Alexander Valdes
Abrams Environmental Law Clinic, University of Chicago Law School
6020 S. University Avenue
Chicago, IL 60637

Benjamin NIckerson
Abrams Environmental Law Clinic, University of Chicago Law School
6020 S. University Avenue
Chicago, IL 60637

Notice will be stored in the notice cart for:

Mr. Brian L. Schwalb
Brent Chapman
Graciela Esquivel

The following document(s) are associated with this transaction:
Document Description: Notice Filed
Original Filename: (1140) 2024-11-27 Notice of Withdrawal of John Rego (25194279).pdf
Electronic Document Stamp:
[STAMP acecfStamp_ID=1109186823 [Date=11/27/2024] [FileNumber=2087119-0]
[7a34b1d7e14218cb2760bbfe1a1aaef282911dbb987791971627ccac9f1f89e08d3291ecb912b281a5e5f1e72d351
811fbc656354770189593720faed5cfc072]]

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 11/27/2024 8:52:40 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Little Manila Rising v. EPA
Attachments: DRAFT Motion for Extension YPO EDITS 11-27-2024.DOCX

FYI –

I revised the draft motion for an extension and send it back to DOJ. I plan to leave in the next 10 mins but if DOJ call, I will answer any questions or concerns.

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: Perez Ortiz, Yasmin
Sent: Wednesday, November 27, 2024 3:50 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <Messing.Aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Paul –

Please see attached a revised draft of the motion. **Ex. 5 AC/AWP**

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 3:02 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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All—

A draft unopposed motion for an extension is attached. We should plan to file on Monday, December 2nd.

Have a good holiday!

Paul

From: Cirino, Paul (ENRD)
Sent: Wednesday, November 27, 2024 9:58 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks very much, Yasmin. I plan to circulate the draft extension motion today, but we can file early next week.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 9:57 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Thank you for sharing. If you need EPA to review a draft motion, I am available and can complete the review.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 9:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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I have attached the motions filed by Petitioners last night. I will prepare an unopposed motion for an extension until December 13. And I look forward to our discussion on Tuesday.

Have a Happy Thanksgiving!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, November 26, 2024 7:00 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi all,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Tuesday, November 26, 2024 1:45 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks for letting us know, Paul. Not sure about others from R9, but I can be available tomorrow if/when you need anything from us.

Ex. 5 AC/AWP/DP

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 1:31 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: Little Manila Rising v. EPA

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

Unfortunately, Petitioners' counsel has rejected our proposal (which Brent had just about agreed to last night). I'll be preparing a motion to extend the deadline of our response to a motion to stay tomorrow.

Paul

From: Brent Newell <brentjnewell@outlook.com>
Sent: Tuesday, November 26, 2024 3:39 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,
Thank you for making yourself available yesterday for the meet and confer. I have met with my clients.
1. Expedited review. My clients do not agree to the briefing schedule EPA proposes, which essentially has the government's brief due at the same time as the current court-ordered schedule. We will file the motion for expedited review and request the same schedule that I proposed to you yesterday and a hearing at the earliest calendar available.
a. Opening brief due 21 days after a decision on the motion for stay is entered in the docket.
b. Opposition brief due 21 days after service of the opening brief.
c. Reply brief due 14 days after service of the opposition brief, unless intervenors join the proceeding and file a brief or briefs, in which case the reply will be due 21 days after service of the opposition brief.
d. Filing of the record pursuant to FRAP 17(a): within 14 days after the court enters the decision on the motion for stay in the docket or the date required by FRAP 17(a), whichever is earlier. We did not discuss this date during our meet and confer, although we did discuss approximately when you anticipated the government would file the record. The current due date for filing the record is 40 days from November 19 (assuming the clerk served EPA on the 19th), or December 29.
2. Proceedings in the District Court. Petitioners are not prepared to discuss or agree to how the proceedings in the District Court should proceed until the Court rules on the motion for stay.
3. Motion for Stay. Petitioners will file the motion for stay in the Ninth Circuit later today. If you file the extension request, you may state that Petitioners do not oppose an EPA request to file its opposition to the Motion for Stay by December 13.

I will indicate that we met and conferred on November 25 and that EPA will oppose both motions, unless you indicate otherwise. Please let me know by 5 pm pacific time.

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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This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 10:00 AM
To: Brent Newell <brentjnewell@outlook.com>
Subject: Little Manila Rising v. EPA

Hi Brent-

To follow up our discussion yesterday, EPA is willing to agree to the following:

1. An expedited briefing schedule as follows: filing/production of Administrative Record due January 10, 2025; Petitioners' Opening Brief due January 24, 2025; EPA's Answering Brief due March 10, 2025; Petitioners' Reply due March 31, 2025.

2. A stay of the PM2.5 claim in the District Court proceeding, pending a ruling on the merits in the Ninth Circuit case. The ozone claim proceeds.

3. If Petitioners still believe it necessary to file a motion to stay, Petitioners' consent to EPA's motion to extend the time to respond until December 13, 2024.

Please let me know your clients' position. I'm happy to talk this afternoon if you would like.

Paul

Paul Cirino
Senior Trial Counsel
Environmental Defense Section
U.S. Department of Justice
(202) 514-3468

Message

From: Raps, Virginia [raps.virginia@epa.gov]
Sent: 12/2/2024 7:31:14 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
CC: Kormos, Andrew [Kormos.Andrew@epa.gov]; Bowen, Richard [Bowen.Richard@epa.gov]; King, Rochelle (she/her/hers) [King.Rochelle@epa.gov]
Subject: RE: References that we can use for a NPRM
Attachments: 1995 Thesis GC.pdf

Ex. 5 AC/DP

Virginia

Virginia Raps
Environmental Protection Agency
General Conformity Program Leader
OAQPS | AQPD | New Source Review Group (NSRG)
raps.virginia@epa.gov
Phone 919-541-4383
Cell: 937-218-0053

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From: Smith, Pam <Smith.Pam@epa.gov>
Sent: Monday, 12/02/2024 1:18 PM
To: Raps, Virginia <raps.virginia@epa.gov>
Subject: RE: References that we can use for a NPRM

I believe so but would be more of a question for OGC. Thanks.

From: Raps, Virginia <raps.virginia@epa.gov>
Sent: Monday, December 2, 2024 12:46 PM
To: Smith, Pam <Smith.Pam@epa.gov>
Subject: References that we can use for a NPRM

Ex. 5 AC/DP

Virginia

Virginia Raps
Environmental Protection Agency
General Conformity Program Leader
OAQPS | AQPD | New Source Review Group (NSRG)
raps.virginia@epa.gov
Phone 919-541-4383
Cell: 937-218-0053

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Message

From: Lang, Matthew [Lang.Matthew@epa.gov]
Sent: 12/2/2024 7:47:26 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
CC: Boydston, Michael [Boydston.Michael@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]
Subject: Colorado Contingency Measures Comment Letter
Attachments: Contingency Measures - Additional Information; ContingencyMeasures.pdf

Hi all,

Ex. 5 AC/DP

The additional language for the comment letter is included below. Please let me know if you have any questions.

Best,
Matt

Infeasibility Justification

Ex. 5 AC/DP

Matt Lang
Planning and Regulatory Section

Ex. 5 AC/DP

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

Message

From: Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]
Sent: 12/2/2024 8:48:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: New Binder Submission from Graham, Cheryl
Attachments: Agenda for 12-3 200pm meeting for ARLO Reg Review.pdf

Importance: Low

Ex. 5 AC/DP

Erika Gerstenberger

US Environmental Protection Agency
Office of General Counsel | Air and Radiation Law Office
1200 Pennsylvania Ave. NW
Washington DC 20460
phone: +1 (202) 564-4613

(she/her/hers)

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From: OGC Binders <OGC_Binders@epa.gov>
Sent: Monday, December 2, 2024 3:40 PM
To: OGC ARLO <OGC_ARLO@epa.gov>; Graham, Cheryl <Graham.Cheryl@epa.gov>
Subject: New Binder Submission from Graham, Cheryl
Importance: Low

Subject: ARLO Reg Review

Notes:

Associated Meeting Date/Time: 12/3 @ 2pm

Appointment

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 12/2/2024 10:12:57 PM
To: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Littleton, Matthew (ENRD) [Matthew.Littleton@usdoj.gov]; Izfar, Sarah (ENRD) [Sarah.Izfar@usdoj.gov]
CC: Rogers, Cherie (ENRD) [Cherie.Rogers@usdoj.gov]; Baskett, Jhana L (ENRD) [Jhana.L.Baskett@usdoj.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Thomason, Krista [Thomason.Krista@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Baker, Kirk [Baker.Kirk@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Higgins, Elliot (ENRD) [Elliot.Higgins@usdoj.gov]; Hinojos, Cameron (ENRD) [Cameron.Hinojos@usdoj.gov]

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

Start: 12/9/2024 8:00:00 PM
End: 12/9/2024 10:00:00 PM

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Show Time As: Tentative

Recurrence: (none)

Adding copies of the briefs

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

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

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 12/3/2024 2:31:53 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: letters to states where EPA agrees with the state recommendations

As I have been saying to them for a while…

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, December 3, 2024 9:29 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/AWP/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, December 3, 2024 9:26 AM
To: Scott, Denise <Scott.Denise@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Denise:

Thank you for this detailed explanation of what was done for the O3 NAAQS.

Ex. 5 AC/DP

G

From: Scott, Denise <Scott.Denise@epa.gov>
Sent: Tuesday, December 3, 2024 7:41 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Good Morning Everyone-

Ex. 5 AC/DP

Denise

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, December 2, 2024 5:15 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 2, 2024 5:04 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew

<Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

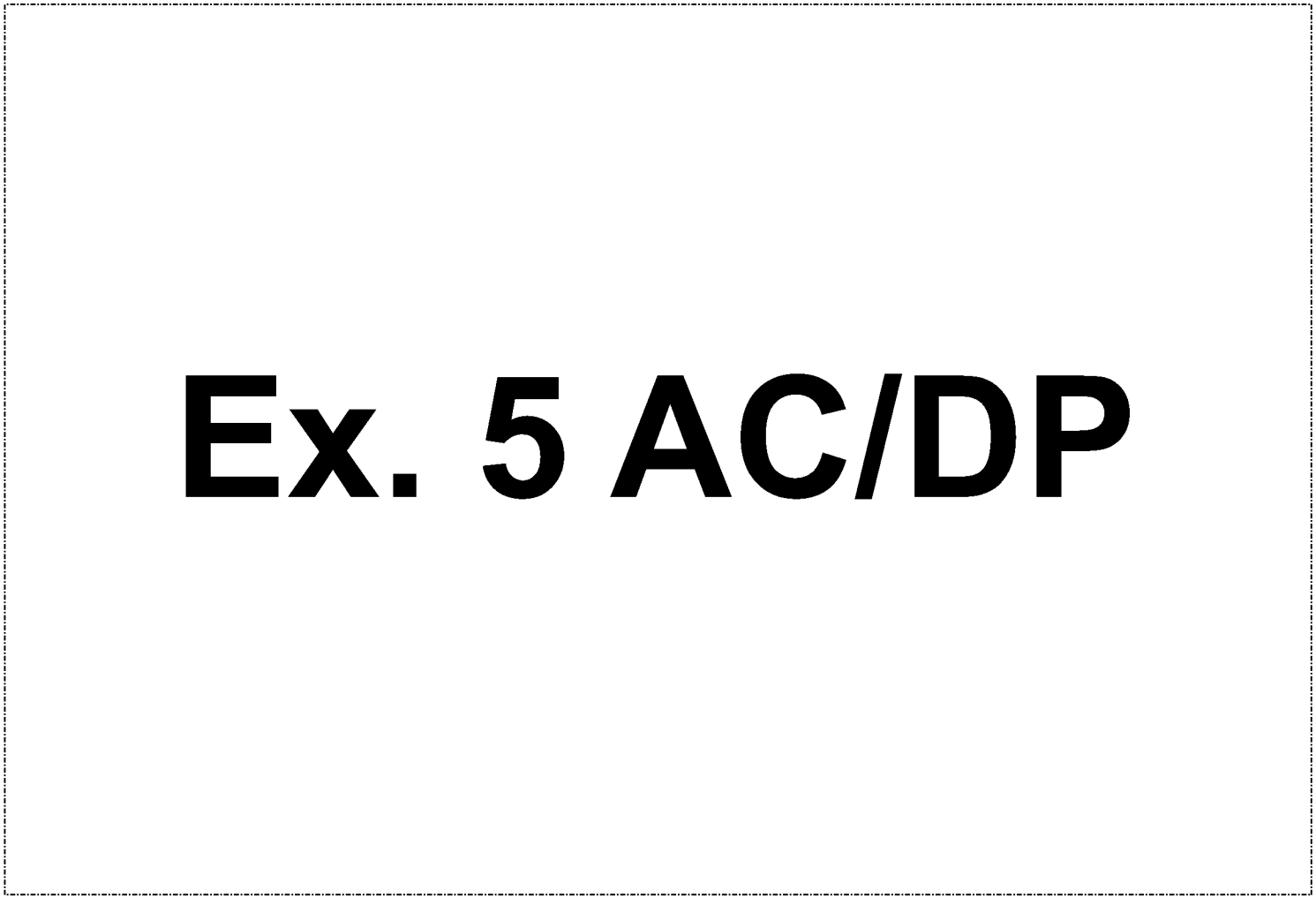
The slide about *Commonwealth of Kentucky, et al., v. U.S. EPA, et al*, Case No: 24-1050 (slide 11) is now ready for your review. The information included in this slide was provided by David Orlin, the OGC attorney leading this case.

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: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, December 2, 2024 2:17 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Thanks, Yasmin! And just to round out the seasonality of our back and forth, I've added a few more responses.



Ex. 5 AC/DP

Stephen

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 2, 2024 1:36 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

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: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, December 2, 2024 12:44 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Subject: FW: letters to states where EPA agrees with the state recommendations

S2:

My thoughts in green.

G

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, December 2, 2024 12:10 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

Stephen

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, December 2, 2024 12:02 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Subject: letters to states where EPA agrees with the state recommendations

S2:

I saw your response in the comment bubble badminton colloquy.

Ex. 5 AC/DP

G

Appointment

From: Orlin, David [Orlin.David@epa.gov] on behalf of Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Sent: 12/3/2024 3:30:16 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]

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

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

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

-----Original Appointment-----
From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, October 30, 2024 11:19 AM
To: Buckley, Sarah (ENRD); St. Romain, Alexandra (ENRD); O'Donnell, Jessica (ENRD); Hostetler, Eric (ENRD); Chen, Sue (ENRD); Lipshultz, Jon (ENRD); Orlin, David
Cc: Smith, Tawana (ENRD)
Subject: Commonwealth of Kentucky v. EPA (PM NAAQS) - Moot Court
When: Thursday, December 12, 2024 9:30 AM-11:45 AM (UTC-05:00) Eastern Time (US & Canada).
Where: HYBRID: 4.334 and; Microsoft Teams Meeting

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

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

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

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 12/3/2024 3:30:33 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: letters to states where EPA agrees with the state recommendations

CUI//PRIVILEGE

Excellent recall on the convolutions!
I forgot key parts of this denouement.

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, December 3, 2024 10:28 AM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

CUI//PRIVILEGE

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

Controlled by U.S. Environmental Protection Agency

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Tuesday, December 3, 2024 10:08 AM

To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

CUI//PRIVILEGE

Ex. 5 AC/DP

Stephen

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, December 3, 2024 9:47 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

CUI//PRIVILEGE

S2:

Ex. 5 AC/DP

G

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, December 3, 2024 9:41 AM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Tuesday, December 3, 2024 9:36 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

Stephen

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, December 3, 2024 9:26 AM
To: Scott, Denise <Scott.Denise@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Denise:

Thank you for this detailed explanation of what was done for the O3 NAAQS.

Ex. 5 AC/DP

G

From: Scott, Denise <Scott.Denise@epa.gov>
Sent: Tuesday, December 3, 2024 7:41 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Good Morning Everyone-

Ex. 5 AC/DP

Denise

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, December 2, 2024 5:15 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 2, 2024 5:04 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

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: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, December 2, 2024 2:17 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Thanks, Yasmin! And just to round out the seasonality of our back and forth, I've added a few more responses.

Ex. 5 AC/DP

Ex. 5 AC/DP

Stephen

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 2, 2024 1:36 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

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: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, December 2, 2024 12:44 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Subject: FW: letters to states where EPA agrees with the state recommendations

S2:

My thoughts in green.

G

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, December 2, 2024 12:10 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: letters to states where EPA agrees with the state recommendations

Ex. 5 AC/DP

Stephen

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, December 2, 2024 12:02 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Subject: letters to states where EPA agrees with the state recommendations

S2:

I saw your response in the comment bubble badminton colloquy.

Ex. 5 AC/DP

Ex. 5 AC/DP

G

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 12/3/2024 3:31:37 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

I sent the moot invite. I'll probably go in person, which probably requires advance notice to DOJ, so if anyone else is interested in going in person let me know (but there will be program people at least on the phone).

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

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 2, 2024 4:53 PM
To: Orlin, David <Orlin.David@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

This is perfect! I will forward the invite asap.

And yes. I think it would be helpful to join the moot for the oral argument. If I can make it, I will definitely join!

Thank you so much, David!
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: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, December 2, 2024 4:08 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

Hi Yasmin—

Below is my initial suggestion for bullets. If it seems too much we could certainly cut it back. Would it be possible for you to forward the meeting invite to me? It might be helpful for me to know the current thinking as we head into the oral argument (and if you would like to join the moot for the oral argument expect there'd be no problem with that, just let me know).

Challenge to 2024 PM NAAQS (*Kentucky v. EPA*, (D.C. Cir. No. 24-1050))

Ex. 5 AC/AWP/DP

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

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 2, 2024 9:36 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

Hi David –

Today works for us. Thank you for your help.

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: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, December 2, 2024 9:08 AM
To: Orlin, David <Orlin.David@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

Mr O:

Thanks. That would be great.
Will be a nostalgia trip. Just like the Lisa F slideshow that is testing my name recall abilities to the max...

G

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, December 2, 2024 9:05 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

I was planning to send something around giving people a heads up but probably not until a couple days before the argument (which is Dec 16, moot is Dec 12).

Yasmin—is today ok for getting you bullets?

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

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, November 27, 2024 11:59 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

Mr. O:

Am I remembering correctly that the oral argument is on December 16? And I presume an IRL argument at the DC Circuit?

I hope to be back in person to see that if possible. But I am sure that Y and others in ARLO might want to go and watch the game as well. Will you be sending a synopsis and the briefs around for those of us who want to score the game?

Please advise.

G

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 11:39 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Upcoming PM2.5 Designations Briefing for Peter Tsirigotis

Hi David!

I hope you are having a great week!

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thank you in advance.

Happy Thanksgiving!

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

Appointment

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/3/2024 5:02:28 PM
To: Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]

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

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

Required Attendees: Lowder, Erin (she/her/hers); Lingard, Robert (he/him/his); Bianco, Karen; Mills, Derek
Optional Attendees: James, Corin; Vijayan, Abi

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 12/3/2024 9:36:53 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Subject: RE: O3R3 - RACT implementation deadline
Attachments: Sierra Club_EPA-HQ-OAR-2024-0333-0044.pdf; 2015_Marginal_DAAD_IM_excerpts_12-03-24.docx

Attached also are the 2015 Marginal DAAD I/M excerpts that I shared in our Teams chat.

Bob

-----Original Appointment-----
From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, December 3, 2024 12:03 PM
To: Ting, Kaytrue; Ting, Kaytrue; Lowder, Erin (she/her/hers); Lingard, Robert (he/him/his); Bianco, Karen; Mills, Derek
Cc: James, Corin; Vijayan, Abi; Mataway-Novak, Dylan (he/him/his)
Subject: O3R3 - RACT implementation deadline
When: Wednesday, December 4, 2024 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Message

From: Wehling, Jefferson [Wehling.Jefferson@epa.gov]
Sent: 12/4/2024 3:09:22 AM
To: Ling, Michael [Ling.Michael@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: New Petition for Review - SJV Contingency Measure SIP Final Rule
Attachments: CBA v. EPA_Petition for Review_12022024.pdf

Michael:

Right on the heels of the final CM guidance comes a new petition for review challenging the interpretations informing the new guidance. It didn't take long. Attached is the petition for review. EPA's brief under the current schedule is due March 24, 2025.

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

Message

From: OGC IO Notifications [OGC-IO-Notifications@epa.gov]
Sent: 12/4/2024 4:11:41 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; OGC IO Administrative Professional Staff [OGC-IO-AdminProf@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]
Subject: New Litigation: Committee for a Better Alvin, et al., v. U.S. EPA, et al, Case No. 24-7270
Attachments: CBA v. EPA_Petition for Review_12022024.pdf

Importance: Low

Date Received: 2024-12-02

Parties/Requestors: Committee for a Better Arvin, Healthy Environment for all Lives, Medical Advocates for Healthy Air, NPCA, and Sierra Club.

Statute: Clean Air Act

Summary of Action:

Petitioners asked the 9th Cir. court to review the final rule entitled "Clean Air Plans; Contingency Measures ofr Fine Particulate Matter Standards; San Joaqin Valley, California." The final rule approved contingency mesures SIP submissions for the 1997 annual, 2006 24-hour, and 2012 annual PM2.5 NAAQS for the San Juaquin Valley nonattainment area. The final action relies on the Draft Revised Contingency Measure Guidance, published on March 30, 2023.

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

Click Here to Open Item

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 12/4/2024 4:46:23 PM
To: Marks, Matthew [Marks.Matthew@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Subject: RE: Calumet - Questions from OSG
Attachments: Texas v United States Environmental Protection Agency (2020).rtf; HEAL Utah v. United States EPA_77 F.4th 1275.pdf

Ex. 5 AC/AWP/DP

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, December 4, 2024 11:24 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Calumet - Questions from OSG

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

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Wednesday, December 4, 2024 11:17 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: Calumet - Questions from OSG

Ex. 5 AC/AWP/DP

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

From: Stahle, Susan <Stahle.Susan@epa.gov>
Sent: Wednesday, December 4, 2024 11:05 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: FW: Calumet - Questions from OSG

Hi –

Please see below. I wanted to get your thoughts before sharing my potential answers. Let me know if you think I should also include the FO to get their thoughts before responding.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks,

Susan Stahle
OGC/ARLO
(202) 564-1272

From: Hughes, Jeffrey (ENRD) <Jeffrey.Hughes@usdoj.gov>
Sent: Wednesday, December 4, 2024 10:24 AM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Cc: Harrison, Bryan (ENRD) <Bryan.Harrison@usdoj.gov>
Subject: Calumet - Questions from OSG

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

Hi Sue,

OSG has two questions.

Ex. 5 AC/AWP/DP

Thanks!

Best,
Jeff

Jeffrey Hughes
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
O: (202) 305-4598
C: (202) 532-3080

Appointment

From: Do, Bebhinn (she/her/hers) [do.bebhinn@epa.gov]
on behalf of Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 12/5/2024 1:34:48 PM
To: Dunkins, Robin [Dunkins.Robin@epa.gov]; Do, Bebhinn (she/her/hers) [do.bebhinn@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Evangelista, Mark [Evangelista.Mark@epa.gov]; Gantt, Brett [Gantt.Brett@epa.gov]; Smith, Jason [Smith.Jason@epa.gov]; Hanley, Tim [Hanley.Tim@epa.gov]; Ward, Hillary [Ward.Hillary@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Hagan, Nicole [Hagan.Nicole@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Kumar, Anjali [Kumar.Anjali01@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Baublitz, Colleen (she/her/hers) [Baublitz.Colleen@epa.gov]; Rao, Venkatesh [Rao.Venkatesh@epa.gov]
CC: Smith, Pam [Smith.Pam@epa.gov]; Mozingo, Kristal [Mozingo.Kristal@epa.gov]; Orlin, David [Orlin.David@epa.gov]

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

Start: 12/5/2024 9:05:00 PM
End: 12/5/2024 9:45:00 PM
Show Time As: Tentative

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

Materials now attached

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Message

From: O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]
Sent: 12/6/2024 9:08:31 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wehling, Jefferson [Wehling.Jefferson@epa.gov]; Izfar, Sarah (ENRD) [Sarah.Izfar@usdoj.gov]
Subject: FW: new 9th Circuit CAA case
Attachments:24-7270.pdf

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

Hi, all,

We are assigning this to Sarah Izfar, who is copied on this email. Sarah will reach out to you to discuss preparation of the record, background, and schedule.

Sarah, I will separately forward the guidance document mentioned.

Thanks,
Jessica

Jessica O'Donnell
Assistant Section Chief
Environmental Defense Section
202.305.0851

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, December 4, 2024 8:55 AM
To: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Subject: [EXTERNAL] new 9th Circuit CAA case

Hi Jessica,

Hope you're doing well!

We received the attached petition for review in the 9th Circuit over our approval of San Joaquin Valley's PM2.5 contingency measures SIP. Yasmín Perez Ortiz is the OGC lead and Jeff Wehling is the Region 9 ORC lead. This case will cover policies that are novel under section 172(c)(9), such as the use of an "infeasibility" determination based on cost and technology, and that are implicated in a national guidance document we just finalized yesterday and that will potentially get challenged as well. Could you please let us know when you have an attorney assigned? Thanks!

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | 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: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Sent: 12/9/2024 2:22:12 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: FW: Heads up - incorrect press coverage
Attachments: RE: Q about news article

CUI//PRIVILEGE

Ex. 5 AC/DP

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From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, December 9, 2024 9:15 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Christenson-Diver, Elizabeth (she/her/hers) <ChristensonDiver.Elizabeth@epa.gov>
Subject: RE: Heads up - incorrect press coverage

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, December 9, 2024 8:50 AM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Christenson-Diver, Elizabeth (she/her/hers) <ChristensonDiver.Elizabeth@epa.gov>
Subject: RE: Heads up - incorrect press coverage

CUI//PRIVILEGE

Thanks for the update (and thanks for flagging, Geoff!).

Controlled by U.S. Environmental Protection Agency

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Monday, December 9, 2024 8:42 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Christenson-Diver, Elizabeth (she/her/hers) <ChristensonDiver.Elizabeth@epa.gov>
Subject: RE: Heads up - incorrect press coverage

CUI//PRIVILEGE

FYI – Vera followed up with our comms office and they were going to touch base with OAR comms to see how/if they want to respond.

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From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Thursday, December 5, 2024 1:54 PM
To: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Subject: RE: Heads up - incorrect press coverage

CUI//PRIVILEGE

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Thursday, December 5, 2024 1:50 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>
Subject: RE: Heads up - incorrect press coverage

CUI//PRIVILEGE

Hi All,

Ex. 5 AC/DP

Thanks,
Vera

Vera Kornylak | Deputy Director
Air Quality Policy Division | OAQPS
919-541-4067 | kornylak.vera@epa.gov
Pronouns: she/her/hers
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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, December 5, 2024 1:43 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: Heads up - incorrect press coverage

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

Ex. 5 AC/DP

G

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Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 12/9/2024 3:48:29 PM
To: Volk, Everett [volk.everett@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: new air attorney on-boarding
Attachments: NAAQS Implementation - Designations and Redesignations - June 2022.pptx; NAAQS Implementation iSIPs and Attainment Planning - July 2022.pptx; 2022-07-07_ CAA 101 - Visibility Protection and Regional Haze - Course Materials.pdf; 2022-8-4 CAA 101 - Introduction to Interstate Transport (1).pdf; 1992 General Preamble (57fedreg13498) (10).pdf

Good morning, Everett,

I hope you had a nice weekend.

Abi and I conferred and here are some background materials that we share with new ARLO attorneys who join our practice groups and will be working on SIPs. We each also provide subject-matter specific information as well. For example, for a new haze attorney, I provide them with the 1999 and 2017 regional haze rules and the Guidance and Clarifications Memo. For a new R8 haze attorney, I'd suggest they read the WY, UT, and ND 2PP regional haze actions as well. It depends on what subjects the new attorney will cover.

For general background, I'm attaching CAA 101 presentations from a few years ago about NAAQS implementation, including transport, and regional haze. Abi and I also generally share the 1992 General Preamble as a background resource for new attorneys working on SIPs (also attached).

Please let us know if this is what you're interested in, and/or if you would like some subject-matter specific resources.

Thanks,
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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From: Volk, Everett <volk.everett@epa.gov>
Sent: Friday, December 6, 2024 5:12 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: new air attorney on-boarding

Hey y'all,

I know you've onboarded several new air attorneys recently, and I was hoping to pick your brains a bit on that. I'm hiring two new attorneys, both for air, and only one has CAA experience. Do you all have any formal onboarding procedures you use, trainings you like, materials and resources you can suggest, etc?

Thanks!
Everett

Everett Volk (he/him/his)
Supervisor, Media Law Counseling Section
Office of Regional Counsel
U.S. EPA Region 8
303-312-7290

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/10/2024 4:55:33 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: FW: ISO a little help from some redesignation old hands
Attachments: FW: Question on OMB determination from Region 5; Kentucky complaint.pdf

Hey Abi,

Ex. 5 AC/DP

CC'ing Yasmin just for awareness.

Kaytrue

From: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>
Sent: Tuesday, December 10, 2024 11:38 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Vagenas, Ginger <Vagenas.Ginger@epa.gov>; Herrington, Leigh <Herrington.Leigh@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: FW: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Panos, Christos <Panos.Christos@epa.gov>
Sent: Tuesday, December 10, 2024 10:10 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>; Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

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

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Tuesday, December 10, 2024 9:46 AM
To: Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Thanks for the quick work Katie!

Ex. 5 AC/DP

From: Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>
Sent: Tuesday, December 10, 2024 9:29 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Tuesday, December 10, 2024 9:17 AM
To: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Svingen, Eric
Sent: Tuesday, December 10, 2024 9:15 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Sent: Tuesday, December 10, 2024 9:02 AM
To: Panos, Christos <Panos.Christos@epa.gov>
Cc: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: FW: ISO a little help from some redesignation old hands

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, December 10, 2024 8:57 AM
To: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Vagenas, Ginger <Vagenas.Ginger@epa.gov>; Herrington, Leigh <Herrington.Leigh@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: ISO a little help from some redesignation old hands

Hi there,

Ex. 5 AC/DP

Any thoughts would be much appreciated! And you can probably guess we are trying to move quickly, so the sooner the better. Feel free to tap others if you think they might know as well, this isn't a close hold.

Appreciate your help!

Kaytrue

Message

From: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Sent: 12/10/2024 6:54:55 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: Draft 113(g) notice and action memo
Attachments: ENV_DEFENSE-#1266687-v2-CCAEJ__Proposed_Consent_Decree.DOC; Action Memo 113(g) - HD I&M Final.pdf; FRN for 113(g) - HD I&M Final.docx

CUI//PRIVILEGE

OK, DOJ just gave their approval to proceed! I'm attaching the approved version of the CD here, along with the 113(g) notice and memo.

Abi, I think your office takes it from here. But let me know if there's anything else you'll need from R9. If we can get this published very soon. Ex. 5 AC/AWP/DP

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, December 5, 2024 2:30 PM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Draft 113(g) notice and action memo

CUI//PRIVILEGE

Hi Jesse,

Ex. 5 AC/AWP/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Thursday, December 5, 2024 12:40 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Draft 113(g) notice and action memo

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Thanks!

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, November 22, 2024 11:09 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: RE: Draft 113(g) notice and action memo

CUI//PRIVILEGE

Thanks Jesse, I'll stay put on our end until I hear from you. Thanks yet again for carrying the water on these deadline suits!

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Friday, November 22, 2024 2:08 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: Draft 113(g) notice and action memo

Actually, DOJ mgmt still needs to review the CD—I'd missed that earlier (still fairly new to this process). So let's hold off on routing the 113(g) notice until we get their approval. Thanks!

Controlled by U.S. Environmental Protection Agency

From: Lueders, Jesse (he/him/his)
Sent: Friday, November 22, 2024 9:05 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Draft 113(g) notice and action memo

Thank you, Gautam. That's a good catch. I've added the following:

Ex. 5 AC/AWP/DP

Abi: I'm attaching the final documents, including clean copy of the action memo incorporating the above addition. Can you start this routing for publication? Or let me know if you'll need anything more from me. And I'll let DOJ know we're good with the language and will be proceeding with the 113(g) process. Thank you!

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, November 22, 2024 8:04 AM
To: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Draft 113(g) notice and action memo

Ex. 5 AC/AWP/DP

Thanks for your work on this!

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

he/him/his

From: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Sent: Thursday, November 21, 2024 12:48 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: Draft 113(g) notice and action memo

Hi Gautam – I'm attaching for your review a draft 113(g) notice and supporting memo for a proposed deadline suit CD. The deadline suit relates to a single SIP submittal, for California's "Clean Truck Check" inspection and maintenance program for heavy-duty vehicles.

The notice and memo are based on documents we drafted for the South Coast 182(e)(5) contingency measure plan CD, which you reviewed a few months back. Abi has already reviewed these.

There's no special rush on this, but DOJ has asked for an estimate of expected timing to complete EPA review. You can reach out to me with any questions.

Thank you!

- — — — - — - -

JESSE LUEDERS
Assistant Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
415.972.3174
lueders.jesse@epa.gov

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 415.972.3174.

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/10/2024 7:56:43 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, December 10, 2024 2:47 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

From: Vijayan, Abi
Sent: Tuesday, December 10, 2024 1:04 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Hi Kaytrue,

Ex. 5 AC/DP

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, December 10, 2024 11:56 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FW: ISO a little help from some redesignation old hands

Hey Abi,

Ex. 5 AC/DP

CC'ing Yasmin just for awareness.

Kaytrue

From: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>
Sent: Tuesday, December 10, 2024 11:38 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Vagenas, Ginger <Vagenas.Ginger@epa.gov>; Herrington, Leigh <Herrington.Leigh@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: FW: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Panos, Christos <Panos.Christos@epa.gov>
Sent: Tuesday, December 10, 2024 10:10 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>; Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

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

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Tuesday, December 10, 2024 9:46 AM
To: Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Thanks for the quick work Katie!

Ex. 5 AC/DP

From: Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>
Sent: Tuesday, December 10, 2024 9:29 AM
To: Svingen, Eric <Svingen.Eric@epa.gov>; D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Svingen, Eric <Svingen.Eric@epa.gov>
Sent: Tuesday, December 10, 2024 9:17 AM
To: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Mullen, Kathleen (she/her/hers) <Mullen.Kathleen@epa.gov>; Naber, Nicole <Naber.Nicole@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Cc: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Svingen, Eric
Sent: Tuesday, December 10, 2024 9:15 AM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>
Subject: RE: ISO a little help from some redesignation old hands

Ex. 5 AC/DP

From: Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Sent: Tuesday, December 10, 2024 9:02 AM
To: Panos, Christos <Panos.Christos@epa.gov>
Cc: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Subject: FW: ISO a little help from some redesignation old hands

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Tuesday, December 10, 2024 8:57 AM
To: D'Agostino, Kathleen <dagostino.kathleen@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Vagenas, Ginger <Vagenas.Ginger@epa.gov>; Herrington, Leigh <Herrington.Leigh@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: ISO a little help from some redesignation old hands

Hi there,

Ex. 5 AC/DP

Any thoughts would be much appreciated! And you can probably guess we are trying to move quickly, so the sooner the better. Feel free to tap others if you think they might know as well, this isn't a close hold.

Appreciate your help!

Kaytrue

Message

From: Paige, Carrie [Paige.Carrie@epa.gov]
Sent: 12/10/2024 9:46:00 PM
To: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]
Subject: RE: TX Ozone Reclassification case
Attachments: Classification approach.pdf; 2015 SRR final.pdf

Jeffrey Hammons – I hope the following is helpful in answering your question -

Ex. 5 AC/AWP/DP

Carrie Paige (she/her)
US EPA Region 6
Infrastructure & Ozone Section
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
214-665-6521

Please, just be kind.

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Tuesday, December 10, 2024 2:32 PM
To: Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Paige, Carrie <Paige.Carrie@epa.gov>; Magee, Melanie <Magee.Melanie@epa.gov>
Subject: RE: TX Ozone Reclassification case

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Thank you Joshua! (or Josh?)

Another question for the team is whether we have anything to cite to support the following statement (if this statement is indeed accurate):

Ex. 5 AC/AWP/DP

From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Tuesday, December 10, 2024 11:30 AM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Paige, Carrie <Paige.Carrie@epa.gov>; Magee, Melanie <Magee.Melanie@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone Reclassification case

Jeff, here is the info on Texas' 2015 ozone submissions:

Ex. 5 AC/AWP/DP

Thanks to Carrie, Melanie, and Jeff for pulling the information together. If you have any questions, please let us know.

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Sunday, December 8, 2024 12:22 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: RE: TX Ozone Reclassification case

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Ex. 5 AC/AWP/DP

From: Hammons, Jeffrey (ENRD)
Sent: Sunday, December 8, 2024 12:01 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: TX Ozone Reclassification case

Hi all –

Ex. 5 AC/AWP/DP

Jeffrey Hammons
Trial Attorney
Environmental Defense Section
Environment & Natural Resources Division
U.S. Department of Justice
(202) 598-6925
jeffrey.hammons@usdoj.gov

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/11/2024 2:02:30 AM
To: OGC ARLO [OGC_ARLO@epa.gov]
Subject: FW: Oral Argument on Thursday, Dec. 12, 2024 in the 6th Circuit challenging Detroit Exceptional Events Concurrence and Redesignation
Attachments: Detroit_Petitioner_Opening_Brief.pdf; EPA_Response_Brief.pdf; Detroit_Petitioner_Reply Brief.pdf

FYI

From: Ting, Kaytrue
Sent: Tuesday, December 10, 2024 4:57 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Evangelista, Mark <Evangelista.Mark@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Mooney, John (he/him/his) <Mooney.John@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Thomason, Krista <Thomason.Krista@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@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>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: Oral Argument on Thursday, Dec. 12, 2024 in the 6th Circuit challenging Detroit Exceptional Events Concurrence and Redesignation

On Thursday, Dec. 12, 2024, the 6th Circuit will hear oral argument relating to two EPA actions regarding the Detroit, MI nonattainment area (Detroit Area) for the 2015 ozone national ambient air quality standard (NAAQS). Petitioner Sierra Club challenges EPA's issuance of a Clean Data Determination (and accompanying concurrence on Michigan's exceptional events demonstration) as well as EPA's redesignation of the Detroit area to attainment, and those challenges have been consolidated. The panel is composed of Judges Cole, White, and Davis. DOJ's Heather Gange will be arguing for EPA. Argument is scheduled to begin at 1 pm EST in Courtroom 403. Audio of the argument will be livestreamed here. Briefs are attached.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Please feel free to reach out with questions. Libby Pettit is the OGC lead on the exceptional events issues, and Kaytrue Ting is the OGC lead on the redesignation issues.

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 12/11/2024 5:04:36 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: 9th Cir stay?
Attachments: DRAFT Response to Stay-Expedite 12-8-2024_EPA Edits.docx; Little Manila - 24-6990 - Motion to Stay.pdf; Little Manila - 24-6990 - Motion to Expedite.pdf

Hi Abi and Gautam –

As previously indicated, yesterday we shared with Paul Cirino (DOJ attorney) a revised draft of our consolidated response to Petitioners' Motion to Stay and Motion to Expedite. Please see attached Petitioners' motions and a copy of our consolidates response.

Ex. 5 AC/AWP/DP

I welcome your thoughts and questions. As soon as I receive the second draft from DOJ, I will share it with you.

Thanks,

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

she/her/hers

From: Perez Ortiz, Yasmin
Sent: Tuesday, December 10, 2024 4:44 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 9th Cir stay?

Abi and Gautam –

Region 9 and I have completed the review of our consolidate response to Petitioners' Motion to Stay and Motion to Expedite. We will send DOJ a clean version of the draft shortly, and I will share it with you as well.

Between tomorrow and Thursday, DOJ will circulate a final draft for your review. The deadline for EPA to file its response is Friday, and DOJ is expecting us to complete a final review by Friday morning.

Let me know if you have any questions.

Thanks,

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

she/her/hers

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, December 6, 2024 12:48 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 9th Cir stay?

Thanks Yasmin.

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

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, December 6, 2024 12:42 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 9th Cir stay?

Good afternoon –

I was able to follow up with DOJ last night regarding the schedule to review the draft response to the motion to stay.

DOJ plans to circulate an initial draft this weekend (by Sunday afternoon), and EPA will provide comments to that draft by COB Tuesday. I can meet this deadline, and so can R9.

Thanks,

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

she/her/hers

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, December 5, 2024 6:53 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Re: 9th Cir stay?

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

On Dec 5, 2024, at 6:39 PM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Hi Gautam and Abi –

Our request for an extension to file a response was granted on 12/3. I am contacting the DOJ attorney about the internal review schedule for the draft response. I will let you know as soon as I have more details.

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

she/her/hers

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, December 5, 2024 3:12 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: 9th Cir stay?

Any notional review schedule for the stay response?

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

he/him/his

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, December 5, 2024 3:09 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: 9th Cir stay?

Yes, enviros sued us on our approval of a 1-year extension request from SJV for the 1997 PM2.5 attainment date, and filed separate motions to both stay the rule pending judicial review and for expedited briefing of the merits. We've sought an extension for our response, and the plan is to Ex. 5 AC/AWP/DP. Yasmín is our lead attorney for this case – this one popped up very recently, please let us know if you have questions!

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, December 5, 2024 3:05 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: 9th Cir stay?

Hi Abi- During today's senior staff, R9 reported we have been sued over an attainment date extension (?) and that the petitioners have filed a stay motion. Is this on your radar? (If I heard correctly)

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

Message

From: Bianco, Karen [Bianco.Karen@epa.gov]
Sent: 12/11/2024 7:31:41 PM
To: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]
Subject: RE: TX Ozone Reclassification case
Attachments: Dallas functional redesignation_final.pdf

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Wednesday, December 11, 2024 2:24 PM
To: Olszewski, Joshua <olszewski.joshua@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Paige, Carrie <Paige.Carrie@epa.gov>
Subject: RE: TX Ozone Reclassification case

CUI//PRIVILEGE

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Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Olszewski, Joshua <olszewski.joshua@epa.gov>
Sent: Monday, December 9, 2024 2:28 PM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>

Cc: Riley, Jeffrey <Riley.Jeffrey@epa.gov>; Paige, Carrie <Paige.Carrie@epa.gov>
Subject: [EXTERNAL] RE: TX Ozone Reclassification case

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Sunday, December 8, 2024 11:01 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Subject: TX Ozone Reclassification case

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Hi all –

Ex. 5 AC/AWP/DP

Jeffrey Hammons
Trial Attorney
Environmental Defense Section
Environment & Natural Resources Division
U.S. Department of Justice
(202) 598-6925
jeffrey.hammons@usdoj.gov

Message

From: Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]
Sent: 12/11/2024 9:44:31 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Vagenas, Ginger [Vagenas.Ginger@epa.gov]; Wehling, Jefferson [Wehling.Jefferson@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; James, Corin [James.Corin01@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: CM implementation question
Attachments: 2021-12-06 - Matusow Respondents Answering Brief.pdf

Thanks, Geoff! Ginger was kindly asking these questions on my behalf, so I'll weigh in with my two cents:

Ex. 5 AC/AWP/DP

Charlotte Withey (she/her) | Attorney-Adviser | U.S. EPA Region 9 | Office of Regional Counsel | 415-972-3915

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Wednesday, December 11, 2024 1:03 PM
To: Vagenas, Ginger <Vagenas.Ginger@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Perez Ortiz, Yasmin <perez-

ortiz.yasmin@epa.gov>; James, Corin <James.Corin01@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>
Cc: Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CM implementation question

G:

Ex. 5 AC/AWP/DP

G

From: Vagenas, Ginger <Vagenas.Ginger@epa.gov>
Sent: Wednesday, December 11, 2024 3:32 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; James, Corin <James.Corin01@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>
Cc: Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>
Subject: CM implementation question

Hello all -

R9 has some CM questions that I would like to run by you all.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thank you!

Ginger

Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 12/12/2024 3:18:32 PM
To: Dain, Gregory [Dain.Greg@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Thomas, Donzetta [Thomas.Donzetta@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Klassman, Debra [klassman.debra@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Summary of Opinion in Kentucky v. EPA and KY EEC v. EPA (Good Neighbor SIP Disapproval challenges)
Attachments: 2024.12.06 - 6th Cir GNP Disapproval decision.pdf

CUI//PRIVILEGE

All- Please see the attached decision and summary of the decision, below, and feel free to share with others in your office. Rosemary Kaban and Dan Schramm are the ARLO contacts if you have any questions about the decision. Thank you!

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Thursday, December 12, 2024 10:15 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Weatherhead, Darryl (she/her/hers) <Weatherhead.Darryl@epa.gov>; Uher, Thomas (he/him/his) <uher.thomas@epa.gov>; Lundequam, Megan <Lundequam.Megan@epa.gov>; Sofka, Gwyndolyn (she/her/hers) <Sofka.Gwyndolyn@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Powers, Garrett (he/him/his) <Powers.Garrett@epa.gov>; Mercado, Edgar <Mercado.Edgar@epa.gov>; Corcoran, Katherine (she/her/hers) <Corcoran.Katherine@epa.gov>; Cohen, Michael <Cohen.Michael@epa.gov>; Bowker, George <Bowker.George@epa.gov>; LaCount, Melanie <LaCount.Melanie@epa.gov>; Hathaway, Julia (she/her/hers) <Hathaway.Julia@epa.gov>; Possiel, Norm (he/him/his) <Possiel.Norm@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Callihan, Ryan <Callihan.Ryan@epa.gov>; Schreiber, Andrew <schreiber.andrew@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Lamson, Amy <Lamson.Amy@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Jones-Cobb, Brandon <JonesCobb.Brandon@epa.gov>
Cc: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily

<seidman.emily@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>
Subject: Summary of Opinion in Kentucky v. EPA and KY EEC v. EPA (Good Neighbor SIP Disapproval challenges)

CUI//PRIVILEGE

As indicated in Monday's email, here is a longer summary of the 6th Circuit opinion. Please feel free to reach out with any questions.

***Commonwealth of Kentucky v. EPA* (No. 23-3216);**
***Kentucky Energy and Environment Cabinet v. EPA* (No. 23-3225)**

OPINION
Judge Murphy wrote the opinion for the court, with Judges Boggs and Kethledge joining.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7510A

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary
Sent: Monday, December 9, 2024 10:21 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Weatherhead, Darryl (she/her/hers) <Weatherhead.Darryl@epa.gov>; Uher, Thomas (he/him/his) <uher.thomas@epa.gov>; Lundequam, Megan <Lundequam.Megan@epa.gov>; Sofka, Gwyndolyn (she/her/hers) <Sofka.Gwyndolyn@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Powers, Garrett (he/him/his) <powers.jamesg@epa.gov>; Mercado, Edgar <Mercado.Edgar@epa.gov>; Corcoran, Katherine

(she/her/hers) <Corcoran.Katherine@epa.gov>; Cohen, Michael <Cohen.Michael@epa.gov>; Bowker, George <Bowker.George@epa.gov>; Lacount, Melanie <lacount.melanie@epa.gov>; Hathaway, Julia (she/her/hers) <Hathaway.Julia@epa.gov>; Possiel, Norm (he/him/his) <Possiel.Norm@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Callihan, Ryan <Callihan.Ryan@epa.gov>; Schreiber, Andrew <schreiber.andrew@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Lamson, Amy (she/her/hers) <Lamson.Amy@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>
Cc: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: Opinion in Kentucky v. EPA and KY EEC v. EPA (Good Neighbor SIP Disapproval challenges)

Apologies for the blank email.

Ex. 5 AC/AWP

OGC is evaluating the opinion and cross-litigation implications, and will be following up with OAR on possible next steps.

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7510A

From: Kaban, Rosemary
Sent: Monday, December 9, 2024 9:47 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Weatherhead, Darryl (she/her/hers) <Weatherhead.Darryl@epa.gov>; Uher, Thomas (he/him/his) <uher.thomas@epa.gov>; Lundequam, Megan <Lundequam.Megan@epa.gov>; Sofka, Gwyndolyn (she/her/hers) <Sofka.Gwyndolyn@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Powers, Garrett (he/him/his) <powers.jamesg@epa.gov>; Mercado, Edgar <Mercado.Edgar@epa.gov>; Corcoran, Katherine (she/her/hers) <Corcoran.Katherine@epa.gov>; Cohen, Michael <Cohen.Michael@epa.gov>; Bowker, George <Bowker.George@epa.gov>; Lacount, Melanie <lacount.melanie@epa.gov>; Hathaway, Julia (she/her/hers) <Hathaway.Julia@epa.gov>; Possiel, Norm (he/him/his) <Possiel.Norm@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Callihan, Ryan <Callihan.Ryan@epa.gov>; Schreiber, Andrew <schreiber.andrew@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Lamson, Amy (she/her/hers) <Lamson.Amy@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory

<Dain.Greg@epa.gov>; Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>
Cc: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: Summary of Oral Argument in Kentucky v. EPA (Good Neighbor SIP Disapproval challenge)

Rosemary Hambright Kaban
US EPA Office of General Counsel | Air & Radiation Law Office | (202) 564-8829 | WJCN 7510A

From: Kaban, Rosemary
Sent: Friday, May 10, 2024 1:12 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Haeuber, Richard <Haeuber.Richard@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Weatherhead, Darryl (she/her/hers) <Weatherhead.Darryl@epa.gov>; Uher, Thomas (he/him/his) <uher.thomas@epa.gov>; Lundequam, Megan <Lundequam.Megan@epa.gov>; Sofka, Gwyndolyn (she/her/hers) <Sofka.Gwyndolyn@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Powers, Garrett (he/him/his) <powers.jamesg@epa.gov>; Mercado, Edgar <Mercado.Edgar@epa.gov>; Corcoran, Katherine (she/her/hers) <Corcoran.Katherine@epa.gov>; Cohen, Michael <Cohen.Michael@epa.gov>; Bowker, George <Bowker.George@epa.gov>; Lacount, Melanie <lacount.melanie@epa.gov>; Hathaway, Julia (she/her/hers) <Hathaway.Julia@epa.gov>; Possiel, Norm (he/him/his) <Possiel.Norm@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Callihan, Ryan <Callihan.Ryan@epa.gov>; Schreiber, Andrew <schreiber.andrew@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Lamson, Amy (she/her/hers) <Lamson.Amy@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>
Cc: Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>;

Durch, Kyle <Durch.Kyle@epa.gov>
Subject: Summary of Oral Argument in Kentucky v. EPA (Good Neighbor SIP Disapproval challenge)

Hello all –

On Wednesday, May 8, 2024, the Sixth Circuit heard oral argument in *Kentucky v. EPA*, No. 23-3216 (consolidated with *Kentucky Energy and Environment Cabinet v. EPA*, No. 23-3225), which is a challenge to EPA's Good Neighbor SIP Disapproval Action covering 21 states, though Petitioners purport to only challenge the rule as to Kentucky. A recording is available here: https://www.opn.ca6.uscourts.gov/internet/court_audio/aud1.php

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Please feel free to reach out with any questions.

Kind regards,
Rosemary

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

From: Kaban, Rosemary
Sent: Monday, May 6, 2024 4:31 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William (he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Gunning, Paul <Gunning.Paul@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Birnbaum, Rona <Birnbaum.Rona@epa.gov>; Wayland, Richard <Wayland.Richard@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Stenhouse, Jeb <Stenhouse.Jeb@epa.gov>; Haeuber, Richard <Haeuber.Richard@epa.gov>; Fox, Tyler <Fox.Tyler@epa.gov>; Weatherhead, Darryl (she/her/hers) <Weatherhead.Darryl@epa.gov>; Uher, Thomas (he/him/his) <uher.thomas@epa.gov>; Lundequam, Megan <Lundequam.Megan@epa.gov>; Sofka, Gwyndolyn (she/her/hers) <Sofka.Gwyndolyn@epa.gov>; Cortelyou-Lee, Jan <Cortelyou-Lee.Jan@epa.gov>; Murray, Beth <Murray.Beth@epa.gov>; Fisher, Brian <Fisher.Brian@epa.gov>; Lifland, David <Lifland.David@epa.gov>; Powers, Garrett (he/him/his) <powers.jamesg@epa.gov>; Mercado, Edgar <Mercado.Edgar@epa.gov>; Corcoran, Katherine (she/her/hers) <Corcoran.Katherine@epa.gov>; Cohen, Michael <Cohen.Michael@epa.gov>; Bowker, George <Bowker.George@epa.gov>; Lacount, Melanie <lacount.melanie@epa.gov>; Hathaway, Julia (she/her/hers) <Hathaway.Julia@epa.gov>; Possiel, Norm (he/him/his) <Possiel.Norm@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>; Langdon, Robin <Langdon.Robin@epa.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Callihan, Ryan <Callihan.Ryan@epa.gov>; Schreiber, Andrew <schreiber.andrew@epa.gov>; Evans, DavidA <Evans.DavidA@epa.gov>; Lamson, Amy (she/her/hers) <Lamson.Amy@epa.gov>; McConnell, Robert <mcconnell.robert@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Taveras, Fausto (he/him/his) <Taveras.Fausto@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Kelly, ThomasP <Kelly.ThomasP@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>
Cc: Prieto, Jeffrey (he/him/his) <Prieto.Jeffrey@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Hong, Jeanhee <Hong.Jeanhee@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: Oral Argument in Kentucky v. EPA (Good Neighbor SIP Disapproval challenge) on Wednesday 5/8/24

Hello all –

On Wednesday, May 8, 2024, the Sixth Circuit (Senior Judge Danny J. Boggs, Judge Raymond M. Kethledge, and Judge Eric E. Murphy) will hear combined oral argument in *Kentucky v. EPA*, No. 23-3216, and *Kentucky Energy and Environment Cabinet v. EPA*, No. 23-3225, in the 6th Floor East Courtroom in Cincinnati, Ohio. This will be the second

argument of the day, with arguments beginning at 9:00 AM EDT (thus our argument likely will not start before 9:30 AM, if not a little later). Judge Boggs was appointed by President Reagan, Judge Kethledge was appointed by President George W. Bush, and Judge Murphy was appointed by President Trump.

Ex. 5 AC/AWP

Arguing for EPA is Jeffrey Hammons, Environment and Natural Resources Division at the U.S. Department of Justice (15 minutes). Arguing for downwind amici in support of EPA is Clairborne Walthall, Environmental Protection Bureau at New York State Office of the Attorney General (5 minutes). Arguing for the Commonwealth of Kentucky is Solicitor General Matthew Kuhn; arguing for the Kentucky Energy and Environment Cabinet is Jarrod Bentley (sharing 20 minutes).

Live audio should be accessible from https://www.ca6.uscourts.gov/live-arguments. A recording should later be available at https://www.opn.ca6.uscourts.gov/internet/court_audio/aud1.php.

Please feel free to reach out with any questions.

Kind regards,
Rosemary

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

Message

From: Doster, Brian [Doster.Brian@epa.gov]
Sent: 12/12/2024 3:48:39 PM
To: OGC ARLO [OGC_ARLO@epa.gov]
Subject: FYI - Oral Argument Friday (Dec. 13) in 10th Circuit Challenge to CO Minor NSR SIP Approval
Attachments: US_APP_CA10_23_9503_Amicus_Curiae_Brief.pdf; US_APP_CA10_23_9503_Appellee_Respondents_Brief.pdf; US_APP_CA10_23_9503_Intervenor_Respondents_Brief.pdf; US_APP_CA10_23_9503_Petitioners_Brief.pdf; US_APP_CA10_23_9503_Petitioners_Reply_Brief.pdf

From: Doster, Brian
Sent: Thursday, December 12, 2024 10:47 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; King, Rochelle (she/her/hers) <King.Rochelle@epa.gov>; Garwood, Ben <Garwood.Ben@epa.gov>; Bowen, Richard <Bowen.Richard@epa.gov>; Svendsgaard, Dave <Svendsgaard.Dave@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Volk, Everett <volk.everett@epa.gov>
Subject: Oral Argument Friday (Dec. 13) in 10th Circuit Challenge to CO Minor NSR SIP Approval

On Friday, December 13, the 10th Circuit will hear oral argument in *Center for Biological Diversity v. EPA*, No. 23-9503. Petitioners challenge EPA Region 8's November 22, 2022 final action approving certain state implementation plan (SIP) revisions that allegedly affect minor source permitting of oil and gas operations in Colorado (87 Fed. Reg. 71,258). The State of Colorado has intervened on EPA's behalf. The American Petroleum Institute submitted an amicus brief. All briefs for the case are attached.

David Mitchell from DOJ will be arguing for EPA. The 10th Circuit panel is Judges Bacharach, Baldock, and Carson. The argument is the only one on the calendar for the day so should begin promptly at 2:30pm ET (12:30pm MT). The sitting is occuring virtually (the advocates will not be in the courtroom) and will be steamed live on YouTube here. Recordings of 10th Circuit oral arguments can be found here.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/12/2024 6:01:42 PM
To: Williams, Melina [Williams.Melina@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Louisville R4 action
Attachments: Lake and Porter Counties Ozone Redes Proposal 6-30-2014.pdf; Final Disapproval of Lake Porter Counties redesignation 2014-28799.pdf

Hey Melina,

Ex. 5 AC/DP

Thanks for flagging,
Kaytrue

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Wednesday, December 11, 2024 3:28 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: Louisville R4 action

Hi Kaytrue,

Ex. 5 AC/DP

Ex. 5 AC/DP

Also happy to set up some time for us to chat, if that would be helpful.

Thanks,
Melina

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

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Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 12/12/2024 6:53:58 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Louisville R4 action

Hi Abi,

Ex. 5 AC/DP

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

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, December 12, 2024 1:47 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: Louisville R4 action

Hi Melina,

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Thursday, December 12, 2024 1:41 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville R4 action

That makes sense – thanks! I'll look for some time on our calendars.

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

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ, or release under FOIA without appropriate review. If you are not the intended recipient, please contact me and delete all copies.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Thursday, December 12, 2024 1:27 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville R4 action

Gotcha. I unfortunately can't make it this afternoon, as I'm taking some leave. Now that I'm not in Cincinnati for the argument, I am able to attend my kids' theater performance. Sounds like maybe that conversation is going to be mostly Ex. 5 AC/DP, and that we'll need to have further conversations afterwards?

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Thursday, December 12, 2024 1:21 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville R4 action

Thanks, Kaytrue. R4 set up some time to chat this afternoon at 4 with OTAQ. I'm happy to forward that to you if you'd like to join. I imagine that we would want to follow up internally and/or with OTAQ after that – I think I'll have a better sense after that meeting if there are issues that we should work through internally, or go straight to discussions with the program.

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

CONFIDENTIAL communication for internal deliberations only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ, or release under FOIA without appropriate review. If you are not the intended recipient, please contact me and delete all copies.

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Thursday, December 12, 2024 1:02 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville R4 action

Hey Melina,

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks for flagging,
Kaytrue

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Wednesday, December 11, 2024 3:28 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: Louisville R4 action

Hi Kaytrue,

Ex. 5 AC/DP

Also happy to set up some time for us to chat, if that would be helpful.

Thanks,
Melina

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

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Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 12/12/2024 7:14:52 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: FW: [EXTERNAL] RE: Little Manila Rising v. EPA

FYI –

If you need more time to review, we can share our edits with Paul tomorrow morning. See below.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Thursday, December 12, 2024 1:55 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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Yes.

On Dec 12, 2024, at 12:06 PM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Thank you, Paul.

We are working on reviewing the new draft. My management is doing their best to complete this review by COB today (PST). In the event they can't complete their review today, would it be ok to share the review with your first thing tomorrow morning (EST)?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, December 11, 2024 11:51 PM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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All—

I have attached a revised clean version of the opposition as well as a redline comparing this version with the one that I sent to you on Sunday. This version includes EPA's comments and EDS management comments. Kindly provide your final ("non-show-stopper") comments by COB Thursday, if at all possible. We will need as much time as possible on Friday to finalize and file by the 3 pm court-ordered deadline. Thanks very much for your cooperation!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Wednesday, December 11, 2024 4:46 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Wednesday, December 11, 2024 11:26 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Safe travels today!

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, December 11, 2024 10:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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Aaron—

Thanks to you and your colleagues for the excellent comments to the initial draft. I am finalizing a revised draft that incorporates the vast majority of EPA's comments and my supervisors' comments. I plan to circulate the current version during my travels today so that you will have it by tomorrow morning.

Ex. 5 AC/AWP/DP

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, December 10, 2024 7:04 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Attaching EPA's comments/edits to your draft response motion here. Your draft was excellent—as I mentioned on the phone, I think you've articulated the absolute best case for our position.

Ex. 5 AC/AWP/DP

Also, since we are still trying to coordinate management review on our end, please let us know as soon as you can when you think you'll be able to send us back a new draft.

Thanks again!

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 10, 2024 11:07 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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I would say Friday morning, assuming the comments are relatively minor.

Sent from my iPhone

On Dec 10, 2024, at 8:49 AM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Thank you for your response. When would you expect to have my management's comments by?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 10, 2024 12:35 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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Yes. Likely tomorrow or Thursday.
Sent from my iPhone

On Dec 10, 2024, at 7:33 AM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Good afternoon Paul –

Since I have to share a draft with my management, do you anticipate sharing a final draft with DOJ's final comments and edits for EPA to review before filing?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Saturday, December 7, 2024 1:46 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Ex. 5 AC/AWP/DP

Please let me know if I'm missing something – or if it would make sense to discuss today.

Paul

From: Cirino, Paul (ENRD)
Sent: Saturday, December 7, 2024 1:10 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Ex. 5 AC/AWP/DP

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Friday, December 6, 2024 11:39 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara

(she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Yes, this will work. Feel free to reach out over the weekend if you need anything, Paul. You can give me a call, 817-366-5134.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, December 5, 2024 5:47 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thank you, Paul. The schedule works for me. Region 9, does it work for 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

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Thursday, December 5, 2024 7:43 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Yes, thanks, Yasmin – I was planning to circulate an initial draft this weekend (by Sunday afternoon), and I was hoping that EPA would be able to provide comments to that draft by COB Tuesday. That will give us all a few days for Jessica and others at DOJ to review the revised version and iron out any issues. Unfortunately, I will be on a plane from Wednesday afternoon into Thursday morning, but I can be available in the afternoon on Thursday and Friday morning of course.

In the meantime, I may have some questions for EPA as I continue with the draft.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, December 5, 2024 7:36 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>

Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Do you have any thoughts an internal review schedule for the draft response?

Thanks,

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

she/her/hers

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 3, 2024 6:20 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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All—

Thanks very much for the discussion today. The Court has ordered that our response to the motions be filed by Noon Pacific Time on Friday, December 13.

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, December 3, 2024 2:44 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Looking forward to our discussion today. ORC wanted to make sure you had all of the relevant documents from our action in one place before the call, so I'm attaching our final action and proposal here. I'm also attaching a Q&A sheet that we send along to our RA for background on the action prior to signature in case that could be useful as background for you.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 1:07 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Thanks very much – once Jessica is able to review, I will incorporate all edits and comments, and plan to file even if it is before Monday. Have a great holiday.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 3:50 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Please see attached a revised draft of the motion Ex. 5 AC/AWP

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 3:02 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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All—

A draft unopposed motion for an extension is attached. We should plan to file on Monday, December 2nd.

Have a good holiday!

Paul

From: Cirino, Paul (ENRD)
Sent: Wednesday, November 27, 2024 9:58 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks very much, Yasmin. I plan to circulate the draft extension motion today, but we can file early next week.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 9:57 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Thank you for sharing. If you need EPA to review a draft motion, I am available and can complete the review.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 9:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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I have attached the motions filed by Petitioners last night. I will prepare an unopposed motion for an extension until December 13. And I look forward to our discussion on Tuesday.

Have a Happy Thanksgiving!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, November 26, 2024 7:00 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi all,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Tuesday, November 26, 2024 1:45 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks for letting us know, Paul. Not sure about others from R9, but I can be available tomorrow if/when you need anything from us.

Ex. 5 AC/AWP/DP

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 1:31 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: Little Manila Rising v. EPA

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

Unfortunately, Petitioners' counsel has rejected our proposal (which Brent had just about agreed to last night). I'll be preparing a motion to extend the deadline of our response to a motion to stay tomorrow.

Paul

From: Brent Newell <brentjnewell@outlook.com>
Sent: Tuesday, November 26, 2024 3:39 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

Thank you for making yourself available yesterday for the meet and confer. I have met with my clients.

1. Expedited review. My clients do not agree to the briefing schedule EPA proposes, which essentially has the government's brief due at the same time as the current court-ordered schedule. We will file the motion for expedited review and request the same schedule that I proposed to you yesterday and a hearing at the earliest calendar available.

1. Opening brief due 21 days after a decision on the motion for stay is entered in the docket.
2. Opposition brief due 21 days after service of the opening brief.
3. Reply brief due 14 days after service of the opposition brief, unless intervenors join the proceeding and file a brief or briefs, in which case the reply will be due 21 days after service of the opposition brief.
4. Filing of the record pursuant to FRAP 17(a): within 14 days after the court enters the decision on the motion for stay in the docket or the date required by FRAP 17(a), whichever is earlier. We did not discuss this date during our meet and confer, although we did discuss approximately when you anticipated the government would file the record. The current due date for filing the record is 40 days from November 19 (assuming the clerk served EPA on the 19th), or December 29.

2. Proceedings in the District Court. Petitioners are not prepared to discuss or agree to how the proceedings in the District Court should proceed until the Court rules on the motion for stay.

3. Motion for Stay. Petitioners will file the motion for stay in the Ninth Circuit later today. If you file the extension request, you may state that Petitioners do not oppose an EPA request to file its opposition to the Motion for Stay by December 13.

I will indicate that we met and conferred on November 25 and that EPA will oppose both motions, unless you indicate otherwise. Please let me know by 5 pm pacific time.

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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From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 10:00 AM
To: Brent Newell <brentjnewell@outlook.com>
Subject: Little Manila Rising v. EPA

Hi Brent-

To follow up our discussion yesterday, EPA is willing to agree to the following:

1. An expedited briefing schedule as follows: filing/production of Administrative Record due January 10, 2025; Petitioners' Opening Brief due January 24, 2025; EPA's Answering Brief due March 10, 2025; Petitioners' Reply due March 31, 2025.

2. A stay of the PM2.5 claim in the District Court proceeding, pending a ruling on the merits in the Ninth Circuit case. The ozone claim proceeds.

3. If Petitioners still believe it necessary to file a motion to stay, Petitioners' consent to EPA's motion to extend the time to respond until December 13, 2024.

Please let me know your clients' position. I'm happy to talk this afternoon if you would like.

Paul

Paul Cirino
Senior Trial Counsel
Environmental Defense Section
U.S. Department of Justice
(202) 514-3468

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 12/13/2024 4:56:56 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: [EXTERNAL] RE: Little Manila Rising v. EPA
Attachments: DRAFT Response to Stay-Expedite 12-13-2024.docx

...sharing the latest DOJ draft incorporating our edits.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Friday, December 13, 2024 11:56 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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Ex. 5 AC/AWP/DP

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, December 13, 2024 11:07 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Here is language from the PM2.5 rule (81 FR 58010 (Aug.24, 2016)) that supports our interpretation:

at 58098:

Ex. 5 AC/AWP/DP

Thanks,

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

she/her/hers

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Friday, December 13, 2024 10:49 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

Gautam did have a couple of comments to convey, along the lines of **Ex. 5 AC/AWP/DP**

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Thursday, December 12, 2024 5:51 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

See attached draft Ex. 5 AC/AWP/DP I believe our Associate General Counsel, Gautam Srinivasan, has reviewed and does not have any comments, but in the case that he does, he will plan to get them to you by tomorrow morning. We wanted to get you the draft as early as we could.

I'm also attaching the index to the Administrative Record and a certification from the Air and Radiation Division Director from R9. If there's anything more you need on that front, let me know.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Thursday, December 12, 2024 10:55 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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Yes.

On Dec 12, 2024, at 12:06 PM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Thank you, Paul.

We are working on reviewing the new draft. My management is doing their best to complete this review by COB today (PST). In the event they can't complete their review today, would it be ok to share the review with your first thing tomorrow morning (EST)?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, December 11, 2024 11:51 PM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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All—

I have attached a revised clean version of the opposition as well as a redline comparing this version with the one that I sent to you on Sunday. This version includes EPA's comments and EDS management comments. Kindly provide your final ("non-show-stopper") comments by COB Thursday, if at all possible. We will need as much time as possible on Friday to finalize and file by the 3 pm court-ordered deadline. Thanks very much for your cooperation!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Wednesday, December 11, 2024 4:46 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Wednesday, December 11, 2024 11:26 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>;

Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Ex. 5 AC/AWP/DP

Safe travels today!

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, December 11, 2024 10:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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Aaron—

Thanks to you and your colleagues for the excellent comments to the initial draft. I am finalizing a revised draft that incorporates the vast majority of EPA's comments and my supervisors' comments. I plan to circulate the current version during my travels today so that you will have it by tomorrow morning.

Ex. 5 AC/AWP/DP

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, December 10, 2024 7:04 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Attaching EPA's comments/edits to your draft response motion here. Your draft was excellent—as I mentioned on the phone, I think you've articulated the absolute best case for our position.

Ex. 5 AC/AWP/DP

Also, since we are still trying to coordinate management review on our end, please let us know as soon as you can when you think you'll be able to send us back a new draft.

Thanks again!

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 10, 2024 11:07 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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

I would say Friday morning, assuming the comments are relatively minor.

Sent from my iPhone

On Dec 10, 2024, at 8:49 AM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Thank you for your response. When would you expect to have my management's comments by?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 10, 2024 12:35 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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

Yes. Likely tomorrow or Thursday.
Sent from my iPhone

On Dec 10, 2024, at 7:33 AM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Good afternoon Paul –

Since I have to share a draft with my management, do you anticipate sharing a final draft with DOJ's final comments and edits for EPA to review before filing?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Saturday, December 7, 2024 1:46 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Ex. 5 AC/AWP/DP

Please let me know if I'm missing something – or if it would make sense to discuss today.

Paul

From: Cirino, Paul (ENRD)
Sent: Saturday, December 7, 2024 1:10 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Friday, December 6, 2024 11:39 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Yes, this will work. Feel free to reach out over the weekend if you need anything, Paul. You can give me a call, 817-366-5134.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, December 5, 2024 5:47 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thank you, Paul. The schedule works for me. Region 9, does it work for 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

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Thursday, December 5, 2024 7:43 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Yes, thanks, Yasmin – I was planning to circulate an initial draft this weekend (by Sunday afternoon), and I was hoping that EPA would be able to provide comments to that draft by COB Tuesday. That will give us all a few days for Jessica and others at DOJ to review the revised version and iron out any issues. Unfortunately, I will be on a plane from Wednesday afternoon into Thursday morning, but I can be available in the afternoon on Thursday and Friday morning of course.

In the meantime, I may have some questions for EPA as I continue with the draft.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, December 5, 2024 7:36 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Do you have any thoughts an internal review schedule for the draft response?

Thanks,

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

she/her/hers

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 3, 2024 6:20 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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

All—

Thanks very much for the discussion today. The Court has ordered that our response to the motions be filed by Noon Pacific Time on Friday, December 13.

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, December 3, 2024 2:44 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Looking forward to our discussion today. ORC wanted to make sure you had all of the relevant documents from our action in one place before the call, so I'm attaching our final action and proposal here. I'm also attaching a Q&A sheet that we send along to our RA for background on the action prior to signature in case that could be useful as background for you.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 1:07 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Thanks very much – once Jessica is able to review, I will incorporate all edits and comments, and plan to file even if it is before Monday. Have a great holiday.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 3:50 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Please see attached a revised draft of the motion. **Ex. 5 AC/AWP/DP**

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 3:02 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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

All—

A draft unopposed motion for an extension is attached. We should plan to file on Monday, December 2nd.

Have a good holiday!

Paul

From: Cirino, Paul (ENRD)
Sent: Wednesday, November 27, 2024 9:58 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks very much, Yasmin. I plan to circulate the draft extension motion today, but we can file early next week.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 9:57 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Thank you for sharing. If you need EPA to review a draft motion, I am available and can complete the review.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 9:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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I have attached the motions filed by Petitioners last night. I will prepare an unopposed motion for an extension until December 13. And I look forward to our discussion on Tuesday.

Have a Happy Thanksgiving!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, November 26, 2024 7:00 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi all,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Tuesday, November 26, 2024 1:45 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks for letting us know, Paul. Not sure about others from R9, but I can be available tomorrow if/when you need anything from us.

Ex. 5 AC/AWP/DP

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 1:31 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: Little Manila Rising v. EPA

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

Unfortunately, Petitioners' counsel has rejected our proposal (which Brent had just about agreed to last night). I'll be preparing a motion to extend the deadline of our response to a motion to stay tomorrow.

Paul

From: Brent Newell <brentjnewell@outlook.com>
Sent: Tuesday, November 26, 2024 3:39 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,
Thank you for making yourself available yesterday for the meet and confer. I have met with my clients.
1. Expedited review. My clients do not agree to the briefing schedule EPA proposes, which essentially has the government's brief due at the same time as the current court-ordered schedule. We will file the motion for expedited review and request the same schedule that I proposed to you yesterday and a hearing at the earliest calendar available.
1. Opening brief due 21 days after a decision on the motion for stay is entered in the docket.
2. Opposition brief due 21 days after service of the opening brief.
3. Reply brief due 14 days after service of the opposition brief, unless intervenors join the proceeding and file a brief or briefs, in which case the reply will be due 21 days after service of the opposition brief.
4. Filing of the record pursuant to FRAP 17(a): within 14 days after the court enters the decision on the motion for stay in the docket or the date required by FRAP 17(a), whichever is earlier. We did not discuss this date during our meet and confer, although we did discuss approximately when you anticipated the government would file the record. The current due date for filing the record is 40 days from November 19 (assuming the clerk served EPA on the 19th), or December 29.
2. Proceedings in the District Court. Petitioners are not prepared to discuss or agree to how the proceedings in the District Court should proceed until the Court rules on the motion for stay.
3. Motion for Stay. Petitioners will file the motion for stay in the Ninth Circuit later today. If you file the extension request, you may state that Petitioners do not oppose an EPA request to file its opposition to the Motion for Stay by December 13.

I will indicate that we met and conferred on November 25 and that EPA will oppose both motions, unless you indicate otherwise. Please let me know by 5 pm pacific time.

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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From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 10:00 AM
To: Brent Newell <brentjnewell@outlook.com>
Subject: Little Manila Rising v. EPA

Hi Brent-

To follow up our discussion yesterday, EPA is willing to agree to the following:

1. An expedited briefing schedule as follows: filing/production of Administrative Record due January 10, 2025; Petitioners' Opening Brief due January 24, 2025; EPA's Answering Brief due March 10, 2025; Petitioners' Reply due March 31, 2025.

2. A stay of the PM2.5 claim in the District Court proceeding, pending a ruling on the merits in the Ninth Circuit case. The ozone claim proceeds.

3. If Petitioners still believe it necessary to file a motion to stay, Petitioners' consent to EPA's motion to extend the time to respond until December 13, 2024.

Please let me know your clients' position. I'm happy to talk this afternoon if you would like.

Paul

Paul Cirino
Senior Trial Counsel
Environmental Defense Section
U.S. Department of Justice
(202) 514-3468

Message

From: Senter, Stephen [Senter.Stephen@epa.gov]
Sent: 12/13/2024 5:05:31 PM
To: Leith, Andrew [Leith.Andrew@epa.gov]; Musmanno, Kathleen (she/her/hers) [Musmanno.Kathleen@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Scofield, Steven [Scofield.Steve@epa.gov]; Reder, Blythe (they/them/theirs) [Reder.Blythe@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; Fox, Loren [Fox.Loren@epa.gov]; Fradkin, Kenneth [Fradkin.Kenneth@epa.gov]; Gantt, Brett [Gantt.Brett@epa.gov]; Graham, AshleyR (she/her/hers) [Graham.AshleyR@epa.gov]; Hanley, Tim [Hanley.Tim@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Manj, Muhammad Bilal [Manj.Muhammad-Bilal@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Olson, Bethany [olson.bethany@epa.gov]; Ostigaard, Crystal [Ostigaard.Crystal@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Rao, Venkatesh [Rao.Venkatesh@epa.gov]; Rehn, Brian [rehn.brian@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Selbst, Elizabeth [selbst.elizabeth@epa.gov]; Smith, Jason [Smith.Jason@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Worstell, Aaron [Worstell.Aaron@epa.gov]; Khalsa, Dharma (she/her/hers) [Khalsa.Dharma@epa.gov]; Wright, Rhonda [Wright.Rhonda@epa.gov]; Kumar, Anjali [Kumar.Anjali01@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Jentgen, Matthew [jentgen.matthew@epa.gov]; McGuire, Philip (he/him/his) [McGuire.Philip@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Madden, Joshua [madden.joshua@epa.gov]; Everitt, Morgan [Everitt.Morgan@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Grapstein, Elyna [Grapstein.Elyna@epa.gov]; Garwood, Ben [Garwood.Ben@epa.gov]; Kormos, Andrew [Kormos.Andrew@epa.gov]; Bonilla, Eimy (she/her/hers) [Bonilla.Eimy@epa.gov]; Montanez, Jessica [Montanez.Jessica@epa.gov]; Baublitz, Colleen (she/her/hers) [Baublitz.Colleen@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]; Wieber, Kirk [Wieber.Kirk@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]; Avey, Lance [Avey.Lance@epa.gov]; Jackson, Scott (he/him/his) [Jackson.Scott@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]; Simcox, Alison [simcox.alison@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Lau, Gavin (he/him/his) [Lau.Gavin@epa.gov]; Carlstad, Julia (she/her/hers) [Carlstad.Julia@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Desai, Priyam [Desai.Priyam@epa.gov]; Banon, Ysabel (she/her/hers) [Banon.Ysabel@epa.gov]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Barry, Laura (she/her/hers) [Barry.Laura@epa.gov]; Martinez, Michael [Martinez.Michael@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; Basile, Cassandra [Basile.Cassandra@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; Ghose, Debashis [Ghose.Debashis@epa.gov]; Short, Ashley (she/her/hers) [Short.Ashley@epa.gov]; McLaughlin, Jolie [McLaughlin.Jolie@epa.gov]; Bonar-Bridges, James [BonarBridges.James@epa.gov]; Vetterick, Kate [Vetterick.Kate@epa.gov]; Coleman, Leslie (she/her/hers) [Coleman.Leslie@epa.gov]; Messing, Aaron [messing.aaron@epa.gov]; Dugan, Brett [Dugan.Brett@epa.gov]; Shi, Jia [Shi.Jia@epa.gov]; Michelsen-Correa, Stephani [michelsen-correa.stephani@epa.gov]; Kilgour, Delaney [Kilgour.Delaney@epa.gov]; Sheffer, Melissa (she/her/hers) [Sheffer.Melissa@epa.gov]; Crispell, Emily [crispell.emily@epa.gov]; Magos, Cecilia (she/her/hers) [Magos.Cecilia@epa.gov]; Foss, Kelsey (she/her/hers) [Foss.Kelsey@epa.gov]; Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Naber, Nicole [Naber.Nicole@epa.gov]; Castro, Marina (she/her/hers) [Castro.Marina@epa.gov]; McKee Perez, Nancy [McKeePerez.Nancy@epa.gov]; Evangelista, Mark [Evangelista.Mark@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS
Attachments: State Intervenor Br..pdf; Enviro Intervenor Br..pdf; State Br.pdf; Industry Br..pdf; State Reply.pdf; Industry Reply Br..pdf; GAO Amicus Brief_24-1050_Documents.pdf; DN 2079971 RESPONDENT FINAL BRIEF _2079971_ filed by EPA and Michael S_ Regan in 24-1050_ 24-1051_ 24-1052_ 24-1073_ 24-1091 _Service Date_ 10_15_2024 _ Length of Brief_ 19_462_ _24-1050_ 24-1051_ 24-1052_ 24-1073_ 2.PDF

Hi Everyone,

On behalf of our OGC colleagues, I am passing along the below and attached information related to *Kentucky v. EPA*, No. 24-1050, and consolidated cases challenging the 2024 PM NAAQS.

Thank You,

Stephen

On Monday December 16, 2024, the D.C. Circuit will hear oral argument in *Kentucky v. EPA*, No. 24-1050, and consolidated cases challenging the 2024 PM NAAQS. Petitioners include a number of businesses associations (e.g., Chamber of Commerce, ACC, AF&PA, API, NAM, NMA) as well as 25 states, led by Kentucky. Intervenors supporting EPA include a number of environmental and public health organizations (e.g., Sierra Club, NRDC, ALA) as well as 16 states plus DC. The DC Circuit's panel will be Judges Millett, Childs and Ginsburg. Sarah Buckley and Alex St. Romain of DOJ ENRD will be arguing on behalf of EPA. This is the third case of the morning and is expected to start sometime after 10:15 am. Audio of the argument will be livestreamed here. Briefs are attached.

Ex. 5 AC/AWP/DP

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 12/13/2024 6:00:51 PM
To: Berry, Laura [berry.laura@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Ex. 5 AC/DP
Attachments: Lake and Porter Counties Ozone Redes Proposal 6-30-2014.pdf

CUI//PRIVILEGE

Hi all,

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Friday, December 13, 2024 12:23 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina

<Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Hi everyone,

Ex. 5 AC/DP

Also very open to discussing this on a call, but thought in the interest of time, email might be the more efficient mode of communication. I'm here today and all of next week if a conversation would be helpful.

Thanks,
Kaytrue

Controlled by U.S. Environmental Protection Agency

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 7:28 AM
To: Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject Ex. 5 AC/DP

Hello All,

Ex. 5 AC/DP

I hope your day is going well.

Lynorae

Message

From: Benjamin, Lynorae [benjamin.lynorae@epa.gov]
Sent: 12/13/2024 9:34:07 PM
To: Berry, Laura [berry.laura@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Maietta, Anthony (he/him/his) [maietta.anthony@epa.gov]; Leslie, Michael [leslie.michael@epa.gov]; Langman, Michael [langman.michael@epa.gov]; Nallaballi, Neena [Nallaballi.Neena@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Aburano, Douglas [aburano.douglas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
CC: Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Myers, Dianna (she/her/hers) [Myers.Dianna@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Akers, Brad (he/him/his) [Akers.Brad@epa.gov]
Subject: Ex. 5 AC/DP

Hello All,

Here is the link to the file Ex. 5 AC/DP

Ex. 5 AC/DP

I hope your day is going well.

Lynorae

From: Benjamin, Lynorae
Sent: Friday, December 13, 2024 7:28 AM
To: Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject Ex. 5 AC/DP

Hello All,

Ex. 5 AC/DP

I hope your day is going well.

Lynorae

Message

From: Motley, Judy [motley.judy@epa.gov]
Sent: 12/13/2024 10:21:46 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Hooks, Samantha [hooks.samantha@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: Time off award write ups for NAAQS group
Attachments: A Vijayan TOA DEC - 1.pdf; A Vijayan TOA DEC - 2.pdf; A Vijayan TOA DEC - 3.pdf; A Vijayan TOA DEC - 4.pdf; C James TOA DEC - 1.pdf; C James TOA DEC - 2.pdf; C James TOA DEC - 3.pdf; D Mills TOA DEC-1.pdf; D Mills TOA DEC-2.pdf; D Mills TOA DEC-3.pdf; D Orlin TOA DEC - 1.pdf; D Orlin TOA DEC - 2.pdf; E Gerstenberger TOA DEC - 1.pdf; E Gerstenberger TOA DEC - 2.pdf; E Pettit TOA DEC - 1.pdf; E Pettit TOA DEC - 2.pdf; G Cesareo TOA DEC 13.pdf; G Wilox TOA DEC - 1.pdf; G Wilox TOA DEC - 2.pdf; G Wilox TOA DEC - 3.pdf; H Kerr TOA DEC-1.pdf; H Kerr TOA DEC-2.pdf; I Smith TOA DEC 13.pdf; K Bianco TOA DEC - 1.pdf; K Bianco TOA DEC - 2.pdf; K Bianco TOA DEC - 3.pdf; K Ting Staley TOA DEC 13-1.pdf; K Ting Staley TOA DEC 13-2.pdf; K Ting Staley TOA DEC 13-3.pdf; K Ting Staley TOA DEC 13-4.pdf; K Ting Staley TOA DEC 13-5.pdf; M Miller TOA DEC 13.pdf; M Thrift TOA Dec-1.pdf; M Thrift TOA Dec-2.pdf; S Hooks TOA DEC 13.pdf; S Nolbaum TOA DEC - 1.pdf; S Nolbaum TOA DEC - 2.pdf; S Nolbaum TOA DEC - 3.pdf; Y Perez-Ortiz TOA DEC 13-1.pdf; Y Perez-Ortiz TOA DEC 13-2.pdf

Matt and Gautam, attached are the TOA forms for your signature for these awards. Once you have signed and returned I will upload to the TEAMS folder and log for mass processing.

Thank you.

Judy Motley
Program Specialist
U.S. Environmental Protection Agency
Office of General Counsel
Air and Radiation Law Office (ARLO)
202-564-2917

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, December 13, 2024 10:58 AM
To: Hooks, Samantha <hooks.samantha@epa.gov>; Motley, Judy <motley.judy@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: Time off award write ups for NAAQS group

Hi Sam, Judy –

Hope you're both having a nice Friday going into the weekend! Please find attached write-ups for the following time off awards in my group. Matt and Gautam have agreed with all of these awards. I know this is A LOT to process, so I very much appreciate your help and have included a time off award for you both in appreciation for all you've done to process the TOAs this year. Please let me know if you need any additional information, thank you!!

Ex. 5 AC/DP

Ex. 5 AC/DP

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

ENVIRONMENTAL PROTECTION AGENCY
Recommendation for Incentive Award

Instructions:

1. **Awards should be based on EPA policy for award types, amounts and approval level (signature) requirements. For additional information on approval level requirements for awards, refer to the EPA Delegations Manual.**
2. **For detailed information on awards, review the EPA Recognition Policy and Procedures Manual.**
3. **Complete this form for all Individual Cash Awards (award amount less than $5000 and FY cumulative is less than $5000), On-the-Spot Awards (FY cumulative is less than $5000) and Time-Off Awards.**
4. **Attach the completed form to the electronic Request for Award. **For Use with FPPS Only – Do Not Send Hardcopy to SPO****
5. **Provide a copy of the completed form to the employee when the electronic award has been processed.**

Employee Name: Kaytrue Ting Staley

Employee ID #: Ex. 6 Personal Privacy (PP)

Position Title (optional):

PP-Series-Grade (optional):

Organization (optional):

Type of Award:

- On-the-Spot Award (Individual Cash Award (Non-Rating Based)
- Individual Cash Award (Non-Rating Based)
- ✔ Time Off Award
- Group Cash Award
- Group Time Off Award

Total Amount of Award ($):

AND/OR Total Number of Hours: 4.00

Type of Benefits on which the award is based (Cash awards only): Tangible Benefit Intangible Benefit

Value of Benefit:	Moderate	Substantial	High	Exceptional
Extent of Contribution:	Limited	Extended	Broad	General

Narrative Justification for Award:

Ex. 5 AC/DP

Requesting Official:

Name: Matthew Marks

Position Title: Deputy Associate General Counsel

Signature:

Authorizing Official:

Name: Gautam Srinivasan

Position Title: Associate General Counsel

Signature:

As the Authorizing Official I certify with electronic signature that all necessary concurrences have been gained for approval of this award in addition to verification that the award amount is not $5000 or greater and that the FY cumulative award amount(s) for this employee is not $5000 or greater.

Message

From: Vijayan, Abi [Vijayan.Abi@epa.gov]
Sent: 12/16/2024 2:06:03 PM
To: OGC SIP Group [OGC_SIP_Group@epa.gov]
Subject: FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS
Attachments: State Intervenor Br..pdf; Enviro Intervenor Br..pdf; State Br.pdf; Industry Br..pdf; State Reply.pdf; Industry Reply Br..pdf; GAO Amicus Brief_24-1050_Documents.pdf; DN 2079971 RESPONDENT FINAL BRIEF _2079971_ filed by EPA and Michael S_ Regan in 24-1050_ 24-1051_ 24-1052_ 24-1073_ 24-1091 _Service Date_ 10_15_2024 _ Length of Brief_ 19_462_ _24-1050_ 24-1051_ 24-1052_ 24-1073_ 2.PDF

Hi SIPsters,

Just extra highlighting today's argument on the PM NAAQS as one that may be of interest to this crew, please note the likely start time of 10:15ish.

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, December 13, 2024 11:46 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

FYI (nowhere better to be on a Monday morning than the DC Circuit!)

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

From: Orlin, David
Sent: Friday, December 13, 2024 11:44 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Wesson, Karen <Wesson.Karen@epa.gov>; Weaver, Chris <Weaver.Chris@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Sacks, Jason (he/him/his) <Sacks.Jason@epa.gov>; Coffman, Evan <Coffman.Evan@epa.gov>; Hagan, Nicole <Hagan.Nicole@epa.gov>; Perlmutt, Lars <perlmutt.lars@epa.gov>; Hassan, Iman <Hassan.Iman@epa.gov>; Jones, Anthony <Jones.Anthony.J@epa.gov>; McIntosh-Kastrinsky, Rachel (she/her/hers) <McIntoshKastrinsky.Rachel@epa.gov>; Lamichhane, Archana <lamichhane.archana@epa.gov>
Subject: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

On Monday December 16, 2024, the D.C. Circuit will hear oral argument in *Kentucky v. EPA*, No. 24-1050, and consolidated cases challenging the 2024 PM NAAQS. Petitioners include a number of businesses associations (e.g., Chamber of Commerce, ACC, AF&PA, API, NAM, NMA) as well as 25 states, led by Kentucky. Intervenors supporting EPA include a number of environmental and public health organizations (e.g., Sierra Club, NRDC, ALA) as well as 16 states

plus DC. The DC Circuit's panel will be Judges Millett, Childs and Ginsburg. Sarah Buckley and Alex St. Romain of DOJ ENRD will be arguing on behalf of EPA. This is the third case of the morning and is expected to start sometime after 10:15 am. Audio of the argument will be livestreamed here. Briefs are attached.

Ex. 5 AC/AWP/DP

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

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 12/16/2024 5:23:17 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: [EXTERNAL] RE: Little Manila Rising v. EPA
Attachments: image001.png; Petitioners Reply re Expedite Motion 12-16-2024.pdf; Petitioners Reply re Stay Motion 12-16-2024.pdf

I haven't had a chance to review but before I forget, I am sharing with you for your awareness.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Monday, December 16, 2024 12:21 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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All—

Ex. 5 AC/AWP/DP

Paul

From: Cirino, Paul (ENRD)
Sent: Friday, December 13, 2024 2:32 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

The response has been filed. FYI, per guidance from the Clerk's office, the response was filed twice, in response to each of the motions. (The ECF system did not allow me to execute a single filing to cover both motions.)

Ex. 5 AC/AWP/DP

Thanks very much to all of you for your excellent cooperation and assistance with this filing.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, December 13, 2024 1:06 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –
You can include ORC's counsel (Aaron Messing) and OGC's counsel (Yasmin Perez Ortiz) in the signature block.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Friday, December 13, 2024 12:56 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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One last detail – which EPA counsel should I include on the signature block? Thanks!

From: Cirino, Paul (ENRD)
Sent: Friday, December 13, 2024 12:45 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

OK – I will plan to remove the redline. Thanks. I need to finalize the document now, given that tables of contents and authorities need to be added and we must file before 3 pm.

From: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Sent: Friday, December 13, 2024 12:24 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul – just noting that this addition repeats point made in FN 8:

Ex. 5 AC/AWP/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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Friday, December 13, 2024 8:56 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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Ex. 5 AC/AWP/DP

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Friday, December 13, 2024 11:07 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Here is language from the PM2.5 rule (81 FR 58010 (Aug.24, 2016)) that supports our interpretation:

Ex. 5 AC/AWP/DP

Thanks,

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

she/her/hers

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Friday, December 13, 2024 10:49 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

Gautam did have a couple of comments to convey, along the lines of Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Thursday, December 12, 2024 5:51 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

See attached draft. Very minor revisions and Ex. 5 AC/AWP/DP I believe our Associate General Counsel, Gautam Srinivasan, has reviewed and does not have any comments, but in the case that he does, he will plan to get them to you by tomorrow morning. We wanted to get you the draft as early as we could.

I'm also attaching the index to the Administrative Record and a certification from the Air and Radiation Division Director from R9. If there's anything more you need on that front, let me know.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Thursday, December 12, 2024 10:55 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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Yes.

On Dec 12, 2024, at 12:06 PM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Thank you, Paul.

We are working on reviewing the new draft. My management is doing their best to complete this review by COB today (PST). In the event they can't complete their review today, would it be ok to share the review with your first thing tomorrow morning (EST)?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, December 11, 2024 11:51 PM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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All—

I have attached a revised clean version of the opposition as well as a redline comparing this version with the one that I sent to you on Sunday. This version includes EPA's comments and EDS management comments. Kindly provide your final ("non-show-stopper") comments by COB Thursday, if at all possible. We will need as much time as possible on Friday to finalize and file by the 3 pm court-ordered deadline. Thanks very much for your cooperation!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Wednesday, December 11, 2024 4:46 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>;

Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Wednesday, December 11, 2024 11:26 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Ex. 5 AC/AWP/DP

Safe travels today!

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, December 11, 2024 10:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

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Aaron—

Thanks to you and your colleagues for the excellent comments to the initial draft. I am finalizing a revised draft that incorporates the vast majority of EPA's comments and my supervisors' comments. I plan to circulate the current version during my travels today so that you will have it by tomorrow morning.

Ex. 5 AC/AWP/DP

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, December 10, 2024 7:04 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Attaching EPA's comments/edits to your draft response motion here. Your draft was excellent—as I mentioned on the phone, I think you've articulated the absolute best case for our position.

Ex. 5 AC/AWP/DP

Also, since we are still trying to coordinate management review on our end, please let us know as soon as you can when you think you'll be able to send us back a new draft.

Thanks again!

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 10, 2024 11:07 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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

I would say Friday morning, assuming the comments are relatively minor.

Sent from my iPhone

On Dec 10, 2024, at 8:49 AM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Thank you for your response. When would you expect to have my management's comments by?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 10, 2024 12:35 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Little Manila Rising v. EPA

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Yes. Likely tomorrow or Thursday.
Sent from my iPhone

On Dec 10, 2024, at 7:33 AM, Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov> wrote:

Good afternoon Paul –

Since I have to share a draft with my management, do you anticipate sharing a final draft with DOJ's final comments and edits for EPA to review before filing?

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Saturday, December 7, 2024 1:46 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Ex. 5 AC/AWP/DP

Please let me know if I'm missing something – or if it would make sense to discuss today.

Paul

From: Cirino, Paul (ENRD)
Sent: Saturday, December 7, 2024 1:10 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Ex. 5 AC/AWP/DP

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Friday, December 6, 2024 11:39 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Yes, this will work. Feel free to reach out over the weekend if you need anything, Paul. You can give me a call, 817-366-5134.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, December 5, 2024 5:47 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thank you, Paul. The schedule works for me. Region 9, does it work for 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

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Thursday, December 5, 2024 7:43 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Yes, thanks, Yasmin – I was planning to circulate an initial draft this weekend (by Sunday afternoon), and I was hoping that EPA would be able to provide comments to that draft by COB Tuesday. That will give us all a few days for Jessica and others at DOJ to review the revised version and iron out any issues. Unfortunately, I will be on a plane from Wednesday afternoon into Thursday morning, but I can be available in the afternoon on Thursday and Friday morning of course.

In the meantime, I may have some questions for EPA as I continue with the draft.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Thursday, December 5, 2024 7:36 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Do you have any thoughts an internal review schedule for the draft response?

Thanks,

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

she/her/hers

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, December 3, 2024 6:20 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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All—

Thanks very much for the discussion today. The Court has ordered that our response to the motions be filed by Noon Pacific Time on Friday, December 13.

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, December 3, 2024 2:44 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi Paul,

Looking forward to our discussion today. ORC wanted to make sure you had all of the relevant documents from our action in one place before the call, so I'm attaching our final action and proposal here. I'm also attaching a Q&A sheet that we send along to our RA for background on the action prior to signature in case that could be useful as background for you.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 1:07 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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Thanks very much – once Jessica is able to review, I will incorporate all edits and comments, and plan to file even if it is before Monday. Have a great holiday.

Paul

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 3:50 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Please see attached a revised draft of the motion. **Ex. 5 AC/AWP/DP**

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 3:02 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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All—

A draft unopposed motion for an extension is attached. We should plan to file on Monday, December 2nd.

Have a good holiday!

Paul

From: Cirino, Paul (ENRD)
Sent: Wednesday, November 27, 2024 9:58 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks very much, Yasmin. I plan to circulate the draft extension motion today, but we can file early next week.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, November 27, 2024 9:57 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul –

Thank you for sharing. If you need EPA to review a draft motion, I am available and can complete the review.

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: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Wednesday, November 27, 2024 9:34 AM
To: Messing, Aaron <messing.aaron@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

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I have attached the motions filed by Petitioners last night. I will prepare an unopposed motion for an extension until December 13. And I look forward to our discussion on Tuesday.

Have a Happy Thanksgiving!

Paul

From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Tuesday, November 26, 2024 7:00 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Hi all,

Ex. 5 AC/AWP/DP

From: Messing, Aaron
Sent: Tuesday, November 26, 2024 1:45 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA

Thanks for letting us know, Paul. Not sure about others from R9, but I can be available tomorrow if/when you need anything from us.

Ex. 5 AC/AWP/DP

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 1:31 PM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: FW: Little Manila Rising v. EPA

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Unfortunately, Petitioners' counsel has rejected our proposal (which Brent had just about agreed to last night). I'll be preparing a motion to extend the deadline of our response to a motion to stay tomorrow.

Paul

From: Brent Newell <brentjnewell@outlook.com>
Sent: Tuesday, November 26, 2024 3:39 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA

Paul,
Thank you for making yourself available yesterday for the meet and confer. I have met with my clients.

1. Expedited review. My clients do not agree to the briefing schedule EPA proposes, which essentially has the government's brief due at the same time as the current court-ordered schedule. We will file the motion for expedited review and request the same schedule that I proposed to you yesterday and a hearing at the earliest calendar available.

1. Opening brief due 21 days after a decision on the motion for stay is entered in the docket.
2. Opposition brief due 21 days after service of the opening brief.
3. Reply brief due 14 days after service of the opposition brief, unless intervenors join the proceeding and file a brief or briefs, in which case the reply will be due 21 days after service of the opposition brief.
4. Filing of the record pursuant to FRAP 17(a): within 14 days after the court enters the decision on the motion for stay in the docket or the date required by FRAP 17(a), whichever is earlier. We did not discuss this date during our meet and confer, although we did discuss approximately when you anticipated the government would file the record. The current due date for filing the record is 40 days from November 19 (assuming the clerk served EPA on the 19th), or December 29.

2. Proceedings in the District Court. Petitioners are not prepared to discuss or agree to how the proceedings in the District Court should proceed until the Court rules on the motion for stay.
3. Motion for Stay. Petitioners will file the motion for stay in the Ninth Circuit later today. If you file the extension request, you may state that Petitioners do not oppose an EPA request to file its opposition to the Motion for Stay by December 13.

I will indicate that we met and conferred on November 25 and that EPA will oppose both motions, unless you indicate otherwise. Please let me know by 5 pm pacific time.

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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intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, November 26, 2024 10:00 AM
To: Brent Newell <brentjnewell@outlook.com>
Subject: Little Manila Rising v. EPA

Hi Brent-

To follow up our discussion yesterday, EPA is willing to agree to the following:

1. An expedited briefing schedule as follows: filing/production of Administrative Record due January 10, 2025; Petitioners' Opening Brief due January 24, 2025; EPA's Answering Brief due March 10, 2025; Petitioners' Reply due March 31, 2025.

2. A stay of the PM2.5 claim in the District Court proceeding, pending a ruling on the merits in the Ninth Circuit case. The ozone claim proceeds.

3. If Petitioners still believe it necessary to file a motion to stay, Petitioners' consent to EPA's motion to extend the time to respond until December 13, 2024.

Please let me know your clients' position. I'm happy to talk this afternoon if you would like.

Paul

Paul Cirino
Senior Trial Counsel
Environmental Defense Section
U.S. Department of Justice
(202) 514-3468

Message

From: Patulski, Meg [patulski.meg@epa.gov]
Sent: 12/16/2024 6:33:29 PM
To: Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Maietta, Anthony (he/him/his) [maietta.anthony@epa.gov]; Leslie, Michael [leslie.michael@epa.gov]; Langman, Michael [langman.michael@epa.gov]; Nallaballi, Neena [Nallaballi.Neena@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Aburano, Douglas [aburano.douglas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
CC: Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Myers, Dianna (she/her/hers) [Myers.Dianna@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Akers, Brad (he/him/his) [Akers.Brad@epa.gov]
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

FYI. We've also discussed new approach in my branch, and we do not have no concerns. Thanks.

Controlled by U.S. Environmental Protection Agency

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 12:33 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Friday, December 13, 2024 12:23 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject Ex. 5 AC/DP

CUI//PRIVILEGE

Hi everyone,

Ex. 5 AC/DP

Ex. 5 AC/DP

Also very open to discussing this on a call, but thought in the interest of time, email might be the more efficient mode of communication. I'm here today and all of next week if a conversation would be helpful.

Thanks,
Kaytrue

Controlled by U.S. Environmental Protection Agency

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 7:28 AM
To: Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject Ex. 5 AC/DP

Hello All,

Ex. 5 AC/DP

Ex. 5 AC/DP

I hope your day is going well.

Lynorae

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 12/16/2024 6:54:48 PM
To: Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Ex. 5 AC/AWP/DP

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

From: Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>
Sent: Monday, December 16, 2024 11:44 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Ex. 5 AC/AWP/DP

Erika Gerstenberger

U.S. Environmental Protection Agency
Office of General Counsel | Air and Radiation Law Office
1200 Pennsylvania Ave. NW
Washington DC 20460
phone: +1 (202) 564-4613

(she/her/hers)

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From: Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>
Sent: Monday, December 16, 2024 10:37 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Orlin, David <Orlin.David@epa.gov>; OGC ARLO <OGC_ARLO@epa.gov>
Subject: RE: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Bringing link up to the top 😊

https://www.youtube.com/watch?v=MyU4-uzp2os

Erika Gerstenberger

U.S. Environmental Protection Agency
Office of General Counsel | Air and Radiation Law Office
1200 Pennsylvania Ave. NW
Washington DC 20460
phone: +1 (202) 564-4613

(she/her/hers)

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, December 16, 2024 10:29 AM
To: Orlin, David <Orlin.David@epa.gov>; OGC ARLO <OGC_ARLO@epa.gov>
Subject: RE: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Hi all,

For those interested in tuning into the livestream, our argument just started.

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, December 13, 2024 11:46 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

FYI (nowhere better to be on a Monday morning than the DC Circuit!)

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

From: Orlin, David
Sent: Friday, December 13, 2024 11:44 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Wesson, Karen <Wesson.Karen@epa.gov>; Weaver, Chris <Weaver.Chris@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Sacks, Jason (he/him/his) <Sacks.Jason@epa.gov>; Coffman, Evan <Coffman.Evan@epa.gov>; Hagan, Nicole <Hagan.Nicole@epa.gov>; Perlmutt, Lars <perlmutt.lars@epa.gov>; Hassan, Iman <Hassan.Iman@epa.gov>; Jones, Anthony <Jones.Anthony.J@epa.gov>; McIntosh-Kastrinsky, Rachel (she/her/hers) <McIntoshKastrinsky.Rachel@epa.gov>; Lamichhane, Archana <lamichhane.archana@epa.gov>
Subject: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

On Monday December 16, 2024, the D.C. Circuit will hear oral argument in *Kentucky v. EPA*, No. 24-1050, and consolidated cases challenging the 2024 PM NAAQS. Petitioners include a number of businesses associations (e.g., Chamber of Commerce, ACC, AF&PA, API, NAM, NMA) as well as 25 states, led by Kentucky. Intervenors supporting EPA include a number of environmental and public health organizations (e.g., Sierra Club, NRDC, ALA) as well as 16 states plus DC. The DC Circuit's panel will be Judges Millett, Childs and Ginsburg. Sarah Buckley and Alex St. Romain of DOJ ENRD will be arguing on behalf of EPA. This is the third case of the morning and is expected to start sometime after 10:15 am. Audio of the argument will be livestreamed here. Briefs are attached.

Ex. 5 AC/AWP/DP

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 12/16/2024 9:00:46 PM
To: OGC ARLO [OGC_ARLO@epa.gov]
Subject: FW: Oral Argument Summary: Kentucky v. EPA, DC Circuit challenge to 2024 PM NAAQS

Ex. 5 AC/AWP/DP

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

From: Orlin, David
Sent: Monday, December 16, 2024 3:41 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Wesson, Karen <Wesson.Karen@epa.gov>; Weaver, Chris <Weaver.Chris@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Sacks, Jason (he/him/his) <Sacks.Jason@epa.gov>; Coffman, Evan <Coffman.Evan@epa.gov>; Hagan, Nicole <Hagan.Nicole@epa.gov>; Perlmutt, Lars <perlmutt.lars@epa.gov>; Hassan, Iman <Hassan.Iman@epa.gov>; Jones, Anthony <Jones.Anthony.J@epa.gov>; McIntosh-Kastrinsky, Rachel (she/her/hers) <McIntoshKastrinsky.Rachel@epa.gov>; Lamichhane, Archana <lamichhane.archana@epa.gov>
Subject: Oral Argument Summary: Kentucky v. EPA, DC Circuit challenge to 2024 PM NAAQS

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Please let us know if you have any questions about the case.

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

From: Orlin, David
Sent: Friday, December 13, 2024 11:44 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Sasser, Erika <Sasser.Erika@epa.gov>; Wesson, Karen <Wesson.Karen@epa.gov>; Weaver, Chris <Weaver.Chris@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Sacks, Jason (he/him/his) <Sacks.Jason@epa.gov>; Coffman, Evan <Coffman.Evan@epa.gov>; Hagan, Nicole <Hagan.Nicole@epa.gov>; Perlmutt, Lars <perlmutt.lars@epa.gov>; Hassan, Iman <Hassan.Iman@epa.gov>; Jones, Anthony <Jones.Anthony.J@epa.gov>; McIntosh-Kastrinsky, Rachel (she/her/hers) <McIntoshKastrinsky.Rachel@epa.gov>; Lamichhane, Archana <lamichhane.archana@epa.gov>
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Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

Message

From: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Sent: 12/16/2024 9:55:37 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: Louisville and Loper Bright

Hi Abi and Libby,

Ex. 5 AC/AWP/DP

Thanks,
Kaytrue

Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 12/17/2024 2:56:18 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; OGC SIP Group [OGC_SIP_Group@epa.gov]
Subject: RE: SIP Group Lunch agenda for tomorrow

CUI//PRIVILEGE

For those attending in person in 7500, there will be gluten free banana apple muffins.

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, December 16, 2024 12:22 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: SIP Group Lunch agenda for tomorrow

CUI//PRIVILEGE

Hi all,

For tomorrow's SIP Group Lunch, Rosemary and Dan will be discussing the SIP disapproval case below. Should be a helpful discussion, hope you will join us!

Abi Vijayan (she/her/hers) | Assistant General Counsel for the National Ambient Air Quality Standards Group | US EPA | Office of General Counsel | Air and Radiation Law Office | Mail Code 2344A | phone: (202) 564-3178

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

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From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Thursday, December 12, 2024 10:46 AM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: FW: Summary of Opinion in Kentucky v. EPA and KY EEC v. EPA (Good Neighbor SIP Disapproval challenges)

CUI//PRIVILEGE

Hi SIP Group – I'm passing along a summary of the recent adverse Good Neighbor SIP Disapproval opinion that came out of the 6th Circuit last Friday (opinion attached). We'll be talking about it at next Tuesday's SIP Group meeting. I'm also including the summary of the merits portion of the oral argument at the bottom of the email if anyone is curious.

OPINION

Judge Murphy wrote the opinion for the court, with Judges Boggs and Kethledge joining.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

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Message

From: Benjamin, Lynorae [benjamin.lynorae@epa.gov]
Sent: 12/17/2024 3:15:26 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]
CC: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Maietta, Anthony (he/him/his) [maietta.anthony@epa.gov]; Leslie, Michael [leslie.michael@epa.gov]; Langman, Michael [langman.michael@epa.gov]; Nallaballi, Neena [Nallaballi.Neena@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Aburano, Douglas [aburano.douglas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Myers, Dianna (she/her/hers) [Myers.Dianna@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Akers, Brad (he/him/his) [Akers.Brad@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Maietta, Anthony (he/him/his) [maietta.anthony@epa.gov]; Leslie, Michael [leslie.michael@epa.gov]; Langman, Michael [langman.michael@epa.gov]; Nallaballi, Neena [Nallaballi.Neena@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Aburano, Douglas [aburano.douglas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Myers, Dianna (she/her/hers) [Myers.Dianna@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Akers, Brad (he/him/his) [Akers.Brad@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]
Subject: Ex. 5 AC/DP

Thanks Eric!
Sent from my iPhone

On Dec 17, 2024, at 10:07 AM, Svingen, Eric <Svingen.Eric@epa.gov> wrote:

CUI//PRIVILEGE

Hi Region 4, OAQPS, OGC, OTAQ –

Thanks to all of you (and especially Lynorae) for keeping Region 5 in the loop as ozone sub-lead region (and as the other region sharing the original multistate area).

I confirmed with Lynorae that Region 4 does not need Region 5 to be a reviewer here. Consider this email a 'green light' from us. As this issue moves forward, we're ready to assist as needed.

Good luck!

Eric

Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, December 16, 2024 4:00 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks Region 4 for your quick work and flexibility on this!

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From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Monday, December 16, 2024 3:08 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>

Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Sounds great, thank you!

Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, December 16, 2024 2:29 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
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Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Thanks all. I'm editing the sharepoint doc Lynorae shared consistent with the emails below and I will send out a note when I'm done with those edits.

Controlled by U.S. Environmental Protection Agency

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Monday, December 16, 2024 2:20 PM
To: Patulski, Meg <patulski.meg@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena

<Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Good afternoon – I support Kaytrue's suggested approach. Please let me know when there's a stable version of the notice and I'll take a quick look if I'm able (out of office starting Fri 12/20, returning 1/06). Given the AQ component, please include Ben Wells and Heather Simon (cc'd here) for awareness and any input. I'm also copying Gobeail and Gabrielle for awareness, given the related EE issues in play.

Thanks,

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

Controlled by U.S. Environmental Protection Agency

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Monday, December 16, 2024 1:56 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

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I apologize for the second email. Just wanted to clarify that my branch does not have concerns with the path that Kaytrue has described. We look forward to working with all of you on the documents to implement this approach. Happy Holidays!

Controlled by U.S. Environmental Protection Agency

From: Patulski, Meg
Sent: Monday, December 16, 2024 1:33 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

FYI. We've also discussed new approach in my branch, and we do not have no concerns. Thanks.

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 12:33 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

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Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Friday, December 13, 2024 12:23 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject Ex. 5 AC/DP

CUI//PRIVILEGE

Hi everyone,

Ex. 5 AC/DP

Ex. 5 AC/DP

Also very open to discussing this on a call, but thought in the interest of time, email might be the more efficient mode of communication. I'm here today and all of next week if a conversation would be helpful.

Thanks,
Kaytrue

Controlled by U.S. Environmental Protection Agency

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 7:28 AM
To: Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

Hello All,

Ex. 5 AC/DP

Ex. 5 AC/DP

I hope your day is going well.

Lynorae

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 12/17/2024 5:37:00 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: the decision
Attachments: 6th circuit decision on interstate transport.pdf

From: Wilcox, Geoffrey
Sent: Monday, December 9, 2024 9:33 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: WTF?

Ex. 5 AC/AWP/DP

Appointment

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 12/18/2024 1:23:46 AM
To: 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 [aburano.douglas@epa.gov]; Adams, Evan (he/him/his) [adams.evan@epa.gov]; Akers, Brad (he/him/his) [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 (she/her/hers) [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 (he/him/his) [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 [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 [Wells.Benjamin@epa.gov]; Wickersham, Lindsay (she/her/hers) [wickersham.lindsay@epa.gov]; Wieber, Kirk

CC: [Wieber.Kirk@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Wong, Richard [Wong.Richard@epa.gov]; Yoshimura, Gwen (she/her/hers) [Yoshimura.Gwen@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Lang, Matthew [Lang.Matthew@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Naber, Nicole [Naber.Nicole@epa.gov] Ledezma, Andrew (he/him/his) [Ledezma.Andrew@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]; Dorantes, Michael (he/him/his) [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]; Hillis, Berkley (she/her/hers) [Hillis.Berkley@epa.gov]; Leo, Julia [Leo.Julia@epa.gov]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@epa.gov]; Shi, Jia [Shi.Jia@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Clark, Adam [Clark.Adam@epa.gov]; Williams, Danurius [Williams.Danurius@epa.gov]; McCabe, Sarah (she/her/hers) [McCabe.Sarah@epa.gov]

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

Start: 12/18/2024 6:00:00 PM
End: 12/18/2024 7:00:00 PM
Show Time As: Free

Importance: High

Recurrence: Monthly
the third Wednesday of every 1 month(s) from 12:00 PM to 1:00 PM
Required Attendees: Ozone Implementation Workgroup

Microsoft Teams meeting

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

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Ex. 6 Personal Privacy (PP)

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

Learn More | Meeting options

Message

From: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]
Sent: 12/18/2024 4:14:33 PM
To: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Berry, Laura [berry.laura@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Maietta, Anthony (he/him/his) [maietta.anthony@epa.gov]; Leslie, Michael [leslie.michael@epa.gov]; Langman, Michael [langman.michael@epa.gov]; Nallaballi, Neena [Nallaballi.Neena@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Aburano, Douglas [aburano.douglas@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]
CC: Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Myers, Dianna (she/her/hers) [Myers.Dianna@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Akers, Brad (he/him/his) [Akers.Brad@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Hello -

OTAQ has completed our review of this notice.

Thanks,

Kaitlyn Leffert
State and Local Transportation Programs Branch
Assessment and Standards Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
leffert.kaitlyn@epa.gov | 734-214-4062

Controlled by U.S. Environmental Protection Agency

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Tuesday, December 17, 2024 1:54 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin

<Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: **Ex. 5 AC/DP**

CUI//PRIVILEGE

Hello – I've completed my review and have no significant comments or concerns with this straightforward proposal. Nicely done!

Thanks,

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

Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, December 16, 2024 2:29 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: **Ex. 5 AC/DP**

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Thanks all. I'm editing the sharepoint doc Lynorae shared consistent with the emails below and I will send out a note when I'm done with those edits.

Controlled by U.S. Environmental Protection Agency

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Monday, December 16, 2024 2:20 PM
To: Patulski, Meg <patulski.meg@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>; Wells, Benjamin <Wells.Benjamin@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; McKinley, Gobeail <McKinley.Gobeail@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Good afternoon – I support Kaytrue's suggested approach. Please let me know when there's a stable version of the notice and I'll take a quick look if I'm able (out of office starting Fri 12/20, returning 1/06). Given the AQ component, please include Ben Wells and Heather Simon (cc'd here) for awareness and any input. I'm also copying Gobeail and Gabrielle for awareness, given the related EE issues in play.

Thanks,

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

Controlled by U.S. Environmental Protection Agency

From: Patulski, Meg <patulski.meg@epa.gov>
Sent: Monday, December 16, 2024 1:56 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers)

<Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: **Ex. 5 AC/DP**

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I apologize for the second email. Just wanted to clarify that my branch does not have concerns with the path that Kaytrue has described. We look forward to working with all of you on the documents to implement this approach. Happy Holidays!

Controlled by U.S. Environmental Protection Agency

From: Patulski, Meg
Sent: Monday, December 16, 2024 1:33 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: **Ex. 5 AC/DP**

FYI. We've also discussed new approach in my branch, and we do not have no concerns. Thanks.

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 12:33 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane

<Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

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Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Friday, December 13, 2024 12:23 PM
To: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject: Ex. 5 AC/DP

CUI//PRIVILEGE

Hi everyone,

Ex. 5 AC/DP

Ex. 5 AC/DP

Also very open to discussing this on a call, but thought in the interest of time, email might be the more efficient mode of communication. I'm here today and all of next week if a conversation would be helpful.

Thanks,
Kaytrue

Controlled by U.S. Environmental Protection Agency

From: Benjamin, Lynorae <benjamin.lynorae@epa.gov>
Sent: Friday, December 13, 2024 7:28 AM
To: Berry, Laura <berry.laura@epa.gov>; Letterly, Aaron <Letterly.Aaron@epa.gov>; Kapichak, Rudolph <kapichak.rudolph@epa.gov>; Maietta, Anthony (he/him/his) <maietta.anthony@epa.gov>; Leslie, Michael <leslie.michael@epa.gov>; Langman, Michael <langman.michael@epa.gov>; Nallaballi, Neena <Nallaballi.Neena@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Winkelmann, Joe (Joseph) <winkelmann.joseph@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Leffert, Kaitlyn (she/her/hers) <Leffert.Kaitlyn@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Svingen, Eric <Svingen.Eric@epa.gov>
Cc: Freund, Weston (he/him/his) <Freund.Weston@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Myers, Dianna (she/her/hers) <Myers.Dianna@epa.gov>; LaRocca, Sarah <Larocca.Sarah@epa.gov>; Walther, Katherine <Walther.Katherine@epa.gov>; Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Akers, Brad (he/him/his) <Akers.Brad@epa.gov>
Subject Ex. 5 AC/DP

Hello All,

Ex. 5 AC/DP

Ex. 5 AC/DP

I hope your day is going well.

Lynorae

Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 12/18/2024 7:15:27 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Ohio notice redline
Attachments: Ohio ANR Notice of Final Rulemaking 2024.12.11_redline.docx

Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 12/19/2024 9:52:05 PM
To: Abrahamian, Tanya (she/her/hers) [abrahamian.tanya@epa.gov]; Ahuja, Anupa [ahuja.anupa@epa.gov]; Becoat, Gregory [becoat.gregory@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Deese, William [deese.william@epa.gov]; Dobrahner, Jaslyn [Dobrahner.Jaslyn@epa.gov]; Dorantes, Michael (he/him/his) [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]; Gesualdo, Matthew (he/him/his) [Gesualdo.Matthew@epa.gov]; Gordon, Michael [Gordon.Mike@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Grady, James [Grady.James@epa.gov]; Hall, Jeremiah [hall.jeremiah@epa.gov]; Hall, Kristin [Hall.Kristin@epa.gov]; Hunt, Jeff [Hunt.Jeff@epa.gov]; Huser, Jennifer [Huser.Jennifer@epa.gov]; James, Corin [James.Corin01@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Longo, Linda (she/her/hers) [Longo.Linda@epa.gov]; McDowell, Jaron [McDowell.Jaron@epa.gov]; McIntyre, Gerald [McIntyre.Gerald@epa.gov]; Mohr, Ashley [Mohr.Ashley@epa.gov]; Morgan, Ruthw [morgan.ruthw@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Paige, Carrie [Paige.Carrie@epa.gov]; Panos, Christos [Panos.Christos@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Reder, Blythe (they/them/theirs) [Reder.Blythe@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Ruan-Lei, Karolina [ruan-lei.karolina@epa.gov]; Ruddick, Randall [ruddick.randall@epa.gov]; Salem, Nevine [Salem.Nevine@epa.gov]; Schmitt, Ellen (she/her/hers) [Schmitt.Ellen@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Shahin, Emad [Shahin.Emad@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Steib, Clovis [steib.clovis@epa.gov]; Stevens, Arnold [stevens.arnold@epa.gov]; Sutton, Lisa [Sutton.Lisa@epa.gov]; Suzuki, Debra [Suzuki.Debra@epa.gov]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@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]; Wiley, Adina [Wiley.Adina@epa.gov]; Williams-Miles, Pearlene [WilliamsMiles.Pearlene@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Wolkins, Jed (he/him/his) [wolkins.jed@epa.gov]; Yannayon, Laura [Yannayon.Laura@epa.gov]; Zull, Aaron [zull.aaron@epa.gov]
CC: Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]; McGuire, Philip (he/him/his) [McGuire.Philip@epa.gov]; McQuilkin, Wendy [Mcquilkin.Wendy@epa.gov]; Morris, Stephanie [Morris.Stephanie@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Reddick, Lorraine [Reddick.Lorraine@epa.gov]; Saltman, Tamara [Saltman.Tamara@epa.gov]; South, Mia (she/her/hers) [South.Mia@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Washington, Stephanie [Washington.Stephanie@epa.gov]
Subject: FW: FR document submission - action info form - required Jan. 2, 2025
Attachments: EAMS-Report-SignatureFuture_12-18-2024_Deadlines.xlsx

As discussed earlier today, this is the first item we will need to prepare for the Administration change. Please share with any staff in your Regions who would be responsible for preparing the one-pager.

As indicated below, **starting January 2, 2025**, the Office of Policy is requiring a summary document for every Federal Register document that is being prepared for publication – no exceptions.

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

From: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Sent: Thursday, December 19, 2024 3:32 PM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>; Hooper, Daniel (he/him/his) <hooper.daniel@epa.gov>; McEathron, Kimberly (she/her/hers) <McEathron.Kimberly@epa.gov>; Panos, Christos <Panos.Christos@epa.gov>; Opalski, Dan (he/him/his) <Opalski.Dan@epa.gov>; Widner, Jacob

<Widner.Jacob@epa.gov>; Austin, Mark <Austin.Mark@epa.gov>; OCSPP FRDocuments <OCSPP_RCS-FRDocuments@epa.gov>; Kerwin, Courtney <Kerwin.Courtney@epa.gov>
Cc: OP-ORPM-RMD <OPORPMRMD@epa.gov>; Penalva-Arana, Carolina (she/her/hers) <Penalva-Arana.Carolina@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>
Subject: FR document submission - action info form - required Jan. 2, 2025
Importance: High

Greetings,

The information below may not be reaching the fullest audience so I request that you share within the agency as appropriate.

As some of you may remember from presidential transitions 4 and 8 years ago, we anticipate immediate attention from incoming leadership on all Federal Register related matters. To prepare for this, and consistent with past practice, **starting January 2, 2025**, the Office of Policy is requiring a summary document for every Federal Register document that is being prepared for publication. The purpose of the document is to provide the information the incoming policy team will need when they review and approve FR notices for publication.

The Action Information Form (AIF) template is similar to the summary document that has been used in previous transitions and will provide clarity and consistency for reviewing officials. This document is also available on the intranet ADP Library. This document may be described as a one-pager, action info form, FR summary doc, etc., and should be assumed to mean the same thing in all instances.

A few important instructions and recommendations:

- The action information form is required for all notices, proposed rules, and final rules regardless of length, content, or originating office.
- Do not alter the information in the AIF or the order in which it appears.
- All text appearing in [brackets] are instructions that should be removed in your document submission.
- While there is no specific file name requirement, it is strongly advised to use a recognizable format, e.g. *Action_Information_Form_FRL_12345.docx*
- If the form is not included in EAMS at pre-signature review, you will be reminded to add it when your reviewed document is returned to you.
- If the form is not included in EAMS after signature and at submission for FR publication, your signed action will not be submitted to OFR until the form is completed.
  - OCSPP and OFA will work directly with Melissa Kramer and me with respect to their Federal Register submissions

Past practice in 2017 and 2021 was that offices, regions, or other sub-groups within the agency were relieved of this requirement after policy officials arrived in those organizational units and then took on the responsibility of reviewing and approving FR notices (or returning that function back to career staff). Also consistent with past practice, as soon as feasible OP will seek approval from the new team for exemptions from the AIF requirement for routine FR notices (e.g., meeting notices, receipt of information, certain ICRs, etc.).

On a separate but related note, please ensure that all rulemaking deadline information is entered and modified as needed as this information is anticipated to be used for similar purposes for incoming leadership. A recent version of this information as available in EAMS is attached to this message.

Please reach out to me if you have any questions or concerns.

Caryn Muellerleile, Director
Regulatory Management Division
Office of Regulatory Policy and Management

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U.S. Environmental Protection Agency
(202) 564-2855 – office
(202) 870-0283 – cell

Message

From: Hoffman, Howard [hoffman.howard@epa.gov]
Sent: 12/29/2024 5:00:17 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
CC: Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Doster, Brian [Doster.Brian@epa.gov]; Schwartz, Adan [Schwartz.Adan@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; May, Lucas [May.Lucas@epa.gov]; Orlin, David [Orlin.David@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]
Subject: RE: seeking court cases concerning Biden-era EPA rules and adjudications
Attachments:Obama Rules CAA Track Record 1-18-17.pdf

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

Biden Rules CAA Track Record(1).docx

When a few of us discussed, a couple of weeks ago, the idea of doing a compilation of the Biden EPA CAA won-lost track record, we thought that the first step should be getting a sense of what the track record looks like. Attached iss my somewhat rough effort to compile the won-lost record on a case basis and an issue basis. Thx much to all the folks in ARLO (many of the cc's) who sent along cases and explanations.

This includes federal appellate decisions in all circuits on (i) rules (incl. the reinstatement of the California waiver), (ii) RFS adjudications that went through N&C, (iii) RFS adjudications that did not go through N&C, and (iv) stay actions. My thought is that it probably make sense to include (i) - (iii) in the win-loss tally, but not (iv), and in the write-up, describe (iv) more qualitatively.

Below is the won-lost tally, both for cases and for issues. As I say, this tally is somewhat rough – it's not always easy to count up the issues in a case (the court might not clearly separate the issues; it might be hard to distinguish between issues and arguments concerning the same issue) – so, for the issues, I included a range. If we want to pursue this effort, it would probably be a good idea to have the folks responsible for the cases go over this compilation, time permitting. Note that to be consistent with our approach for the Obama CAA Rules track record, I didn't count issues concerning standing, jurisdiction (for several cases, that meant venue), or procedure. Note also that I'm not sure I have collected all the adjudications. The Obama CAA Rules track record calculated the win percentage for each of legal issues and record issues – because there are many fewer cases and issues for the Biden CAA rules track record, I didn't calculate the win percentage of legal issues and record issues separately; I calculated just the win percentage for all issues together.

BIDEN CAA WIN-LOSS TALLIES				

	Win	Loss	Mixed	Total
Cases	6	1	4	11
	Legal-win (range)	**Record-win (range)**	**Legal-loss**	**Record-loss**
Issues	10-13	24-33	8	3
Total issues:	**Total wins:**	**Total losses:**	**Winning %**	
45-57	34-46	11	76-81%	

This exercise is different than the Obama CAA track record, just because there were many more Obama actions. We only looked at D.C. Circuit Obama CAA actions (rules and some non-rule actions) – there were 69 of them, with about 250 legal and record issues. Here are the key excerpts from the Obama track record report (attached): "Overall, EPA won or mostly won 81% of these D.C. Circuit cases, and lost or mostly lost 10% of the cases, with the rest resulting in a mixed decision; and during the last two years, 2015-2016, EPA won 90% of the cases.... Overall, EPA won approximately 85% of 100 substantive legal issues, and approximately 85% of 150 record issues."

So, we need to decide whether to proceed with this effort for the Biden CAA actions by turning this compilation into a report that is comparable to the Obama one. I think that the Biden CAA track record is reasonably close to the Obama EPA's record, although the much smaller number of Biden cases makes comparisons difficult. If we want to proceed, we should make sure we have a complete set of cases. Query whether it is worth considering including cases under other environmental statutes – obviously, timing is a concern.

From: Hoffman, Howard
Sent: Thursday, December 12, 2024 11:42 AM
To: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: seeking court cases concerning Biden-era EPA rules

We've been talking to Susannah about taking a look at the track record in court of the Biden era EPA rules, with an eye towards possibly doing a summary of that track record, like we did at the end of the Obama Administration (see attached). We thought the first step would be to collect all the appellate and SCOTUS cases that addressed CAA rules finalized after January 2021. Could I ask you to send me any cases that you are aware of, in the next couple of days, if possible?

Howard J. Hoffman USEPA-OGC-ARLO (202) 564-5582(O) (240)-401-9721(C) Room 7415 WJC-North
Mailing address: Mail Code 7344A, 1200 Pennsylvania Ave. NW Washington, D.C. 20460

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Message

From: Talley, David [Talley.David@epa.gov]
Sent: 12/30/2024 5:44:49 PM
To: 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]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]
Subject: DC DAAD
Attachments: Comment for Docket EPA-R03-OAR-2022-0987.pdf; EPA-R03-OAR-2022-0987.pdf; EPA-R03-OAR-2022-0987-0009.pdf; EPA-R03-OAR-2022-0987-0010.pdf; EPA-R03-OAR-2022-0987-0011.pdf; EPA-R03-OAR-2022-0987-0012.pdf; EPA-R03-OAR-2022-0987-0033.pdf; EPA-R03-OAR-2022-0987-0034.pdf; FRN_Washington-DC-MD-VA_2015_Ozone_CDD_DAAD.docx; FW: Docket ID No. EPA–R03– OAR–2022–0987

Good Morning, All-
Hope you're enjoying the Holidays. Just wanted to give you all a heads-up that I've uploaded a FRN into the portal this afternoon. It's a DAAD for the 2015 O3 NAAQS for the District of Columbia. We did receive a couple adverse comments. I'm attaching those here, as I'm not sure what limitations there may be on the portal.

Please let me know if you have any questions.

Thanks,
Dave

David Talley
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Message

From: ecfnoticing@cadc.uscourts.gov [ecfnoticing@cadc.uscourts.gov]
Sent: 1/3/2025 11:45:52 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 19-1165 State of New York, et al v. EPA "Notice Filed" (EPA-84FR32520)

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

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

The following transaction was entered on 01/03/2025 at 6:45:51 PM Eastern Standard Time and filed on 01/03/2025

Case Name:	State of New York, et al v. EPA
Case Number:	19-1165
Document(s):	Document(s)

Docket Text:
NOTICE [2092608] to withdraw attorney Steven Novick who represented State of Oregon in 19-1165 filed by State of Oregon [Service Date: 01/03/2025] [19-1165] (Garrahan, Paul)

Notice will be electronically mailed to:

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United States Court of Appeals for District of Columbia Circuit

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The following transaction was entered on 01/03/2025 at 6:48:00 PM Eastern Standard Time and filed on 01/03/2025

Case Name:	Robinson Enterprises, Inc., et al v. EPA, et al
Case Number:	19-1175
Document(s):	Document(s)

Docket Text:
NOTICE [2092609] to withdraw attorney Steven Novick who represented State of Oregon in 19-1175 filed by State of Oregon [Service Date: 01/03/2025] [19-1175] (Garrahan, Paul)

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