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Sent: 1/3/2025 11:49:54 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 19-1176 Westmoreland Mining Holdings L 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 01/03/2025 at 6:49:53 PM Eastern Standard Time and filed on 01/03/2025

Case Name:	Westmoreland Mining Holdings L v. EPA, et al
Case Number:	19-1176
Document(s):	Document(s)

Docket Text:
NOTICE [2092610] to withdraw attorney Steven Novick who represented State of Oregon in 19-1176 filed by State of Oregon [Service Date: 01/03/2025] [19-1176] (Garrahan, Paul)

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Document Description: Notice Filed

Original Filename: Novick Ntc of Withdrawal DC Circuit Ct. of Appeals (Case No. 19-1140 19-1176).pdf
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3822f889f7c14d92deee84412a3635080a]]

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Sent: 1/3/2025 11:51:41 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: 19-1179 The North American Coal Corpor 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 01/03/2025 at 6:51:40 PM Eastern Standard Time and filed on 01/03/2025

Case Name:	The North American Coal Corpor v. EPA, et al
Case Number:	19-1179
Document(s):	Document(s)

Docket Text:
NOTICE [2092611] to withdraw attorney Steven Novick who represented State of Oregon in 19-1179 filed by State of Oregon [Service Date: 01/03/2025] [19-1179] (Garrahan, Paul)

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Subject: FW: [FR] Documents from Environmental Protection Agency
Attachments: 89 FR 105692 NOxSOxPM secondary NAAQS final rule.pdf

Happy New Year, team! The NOx/SOx/PM secondary NAAQS final rule published! Huzzah!!!

Will send to DOJ and the SO2 implementation team. 😊

Hali Kerr (she/hers)
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(202) 564-2286 (office & telework)

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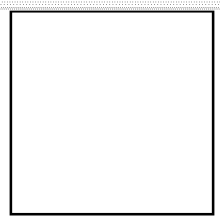

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Air Quality State Implementation Plans; Approvals and Promulgations: Colorado; Common Provisions Regulation

FR Document: 2024-30695 PDF Pages 105461-105463 *(3 pages)*
Citation: 89 FR 105461 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving revisions to the Con Provisions Regulation of the Colorado State Implementation Plan (SIP). These revisions submitted by the State of Colorado in response to the EPA's June 12, 2015, Findings of

Substantial Inadequacy and "SIP calls" for certain provisions in the SIP related to affirmative defenses applicable to excess emissions during startup, shutdown, and malfunction (SSM) event The EPA is approving these SIP revisions...

Indiana; Update to Code of Federal Regulations References

FR Document: 2024-30729 PDF Pages 105459-105461 *(3 pages)*
Citation: 89 FR 105459 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving a request submitted Indiana Department of Environmental Management (IDEM) on December 14, 2023, to re Indiana State Implementation Plan (SIP). The submission revises and updates the Indiar Administrative Code (IAC) definition of "References to the Code of Federal Regulations," 2018 edition to the 2022 edition. EPA proposed to approve this action on August 18, 202 received no adverse comments.

Kentucky; Revisions to Jefferson County Control of Open Burning

FR Document: 2024-30741 PDF Pages 105463-105465 *(3 pages)*
Citation: 89 FR 105463 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving changes to the Jeffe County portion of the Kentucky State Implementation Plan (SIP) submitted by the Comm of Kentucky through the Kentucky Division for Air Quality (KDAQ) on May 30, 2023. The were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (D also referred to herein as Jefferson County). EPA is approving changes to the District's r clarify that a fire for...

Spokane Regional Clean Air Agency; Control of Emissions from Existing Large Municipal Waste Combustors

FR Document: 2024-30535 PDF Pages 105468-105470 *(3 pages)*
Citation: 89 FR 105468 Permalink
Abstract: The Environmental Protection Agency (EPA) is taking final action to partially a and partially disapprove a July 18, 2022, Clean Air Act (CAA) State Plan submitted by th Regional Clean Air Agency (SRCAA) to establish emission limits for existing large munic combustors (MWC) and to provide for the implementation and enforcement of these limit submitted this State Plan to fulfill its requirements under the CAA in response to the EPA 2006, promulgation...

Washington; Excess Emissions, Startup, Shutdown, and Malfunction Revisions, Energy Facility Site Evaluation Council

FR Document: 2024-30536 PDF Pages 105456-105459 *(4 pages)*
Citation: 89 FR 105456 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving Washington State Implementation Plan (SIP) revisions to the Energy Facility Site Evaluation Council (EFSEC) air quality regulations submitted by the State of Washington, through the Department of Ecology (Ecology) on June 15, 2023. The revisions were submitted in response to the EPA's June 12, 201 "SIP call" in which the EPA found substantially inadequate a Washington SIP provision providing affirmative defenses that operate to limit the...

Outer Continental Shelf Air Regulations: Amendment to State Requirements Incorporated by Reference; Massachusetts

FR Document: 2024-30800 PDF Pages 105465-105468 *(4 pages)*
Citation: 89 FR 105465 Permalink
Abstract: The Environmental Protection Agency (EPA) is updating a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located miles of states' seaward boundaries must be updated periodically to remain consistent w requirements of the corresponding onshore area (COA), as mandated by the Clean Air A portion of the OCS air regulations that is being updated pertains to the requirements for C sources for which Massachusetts is the...

Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.: Ethiprole

FR Document: 2024-30581 PDF Pages 105470-105472 *(3 pages)*
Citation: 89 FR 105470 Permalink
Abstract: This regulation establishes a tolerance (without U.S. registrations) for residues ethiprole in or on sugarcane. Bayer CropScience LP requested this tolerance under the F Food, Drug, and Cosmetic Act (FFDCA).

Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter

FR Document: 2024-29463 PDF Pages 105692-105788 *(97 pages)*
Citation: 89 FR 105692 Permalink
Abstract: Based on the Environmental Protection Agency's (EPA's) review of the air qua for ecological effects and secondary national ambient air quality standards (NAAQS) for c nitrogen (N oxides), oxides of sulfur (SOX), and particulate matter (PM), the EPA is revis existing secondary sulfur dioxide (SO2) standard to an annual average, averaged over th consecutive years, with a level of 10 parts per billion (ppb). Additionally, the Agency is...

Proposed Rules

Air Quality State Implementation Plans; Approvals and Promulgations: Florida; Second Planning Period Regional Haze Plan

FR Document: 2024-30751 PDF Pages 105506-105534 *(29 pages)*
Citation: 89 FR 105506 Permalink
Abstract: The Environmental Protection Agency (EPA) is proposing to approve regional state implementation plan (SIP) revisions submitted by the Florida Department of Enviror Protection (FDEP) on October 8, 2021, and supplemented on June 14, 2024, and Octob 2024, as satisfying applicable requirements under the Clean Air Act (CAA or Act) and EP Regional Haze Rule (RHR) for the program's second planning period. Florida's SIP subm for the second planning period address the...

National Emission Standards for Hazardous Air Pollutants: Polyether Polyols Production Industry

FR Document: 2024-29466 PDF Pages 105986-106061 *(76 pages)*
Citation: 89 FR 105986 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is proposing amendments t National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Ai (CAA) that apply to the Polyether Polyols (PEPO) Production industry (referred to as the NESHAP in this document). The EPA is proposing decisions resulting from the Agency's technology review of the PEPO NESHAP and decisions based on its reconsideration of issues raised in an administrative petition for...

Notices

Environmental Impact Statements; Availability, etc.

FR Document: 2024-30976 PDF Page 105604 *(1 page)*
Citation: 89 FR 105604 Permalink
Abstract: [Not available]

Pesticides: Comparison of Aquatic Life Protective Values Developed under the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act

FR Document: 2024-31086 PDF Pages 105567-105604 *(38 pages)*
Citation: 89 FR 105567 Permalink

Abstract: The U.S. Environmental Protection Agency (EPA) is announcing the availability of draf analyses comparing aquatic life benchmarks developed by the EPA's Office of Pesticides Programs (OPP) in support of registration decisions for pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to existing national recommended aquatic life Ambient Water Quality Criteria and criteria-related values developed under the Clean Water Act (CWA) fo the protection of aquatic life from...

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Great news - congrats!!!

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Cc: Williams, Melina <Williams.Melina@epa.gov>
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Happy New Year, team! The NOx/SOx/PM secondary NAAQS final rule published! Huzzah!!!

Will send to DOJ and the SO2 implementation team. 😊

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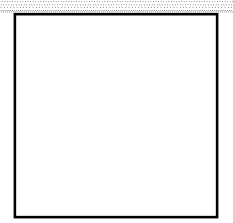

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Washington; Excess Emissions, Startup, Shutdown, and Malfunction Revisions, Energy Facility Site Evaluation Council

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Ethiprole

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FR Document: 2024-30751 PDF Pages 105506-105534 *(29 pages)*
Citation: 89 FR 105506 Permalink
Abstract: The Environmental Protection Agency (EPA) is proposing to approve regional state implementation plan (SIP) revisions submitted by the Florida Department of Enviror Protection (FDEP) on October 8, 2021, and supplemented on June 14, 2024, and Octob 2024, as satisfying applicable requirements under the Clean Air Act (CAA or Act) and EP Regional Haze Rule (RHR) for the program's second planning period. Florida's SIP subm for the second planning period address the...

National Emission Standards for Hazardous Air Pollutants: Polyether Polyols Production Industry

FR Document: 2024-29466 PDF Pages 105986-106061 *(76 pages)*
Citation: 89 FR 105986 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is proposing amendments t National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Ai (CAA) that apply to the Polyether Polyols (PEPO) Production industry (referred to as the NESHAP in this document). The EPA is proposing decisions resulting from the Agency's technology review of the PEPO NESHAP and decisions based on its reconsideration of issues raised in an administrative petition for...

Notices

Environmental Impact Statements; Availability, etc.

FR Document: 2024-30976 PDF Page 105604 *(1 page)*
Citation: 89 FR 105604 Permalink
Abstract: [Not available]

Pesticides:
Comparison of Aquatic Life Protective Values Developed under the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act

FR Document: 2024-31086 PDF Pages 105567-105604 *(38 pages)*
Citation: 89 FR 105567 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is announcing the availabilit analyses comparing aquatic life benchmarks developed by the EPA's Office of Pesticides Programs (OPP) in support of registration decisions for pesticides under the Federal Inse Fungicide and Rodenticide Act (FIFRA) to existing national recommended aquatic life An Water Quality Criteria and criteria-related values developed under the Clean Water Act (the protection of aquatic life from...

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/6/2025 6:01:10 PM
To: Orlin, David [Orlin.David@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Has the court made the recording of this argument available? FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Thank you!

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, January 6, 2025 1:01 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Has the court made the recording of this argument available? FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Available here https://media.cadc.uscourts.gov/recordings/docs/2024/12/24-1050.mp3

(accessible from this page, https://media.cadc.uscourts.gov/recordings/bydate/recent)

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

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, January 6, 2025 12:58 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Has the court made the recording of this argument available? FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

Mr. O:

We have some good program people who would like to listen to it. I thought I could find it online, but cannot…

Does the DC Circuit make argument recordings available?

G

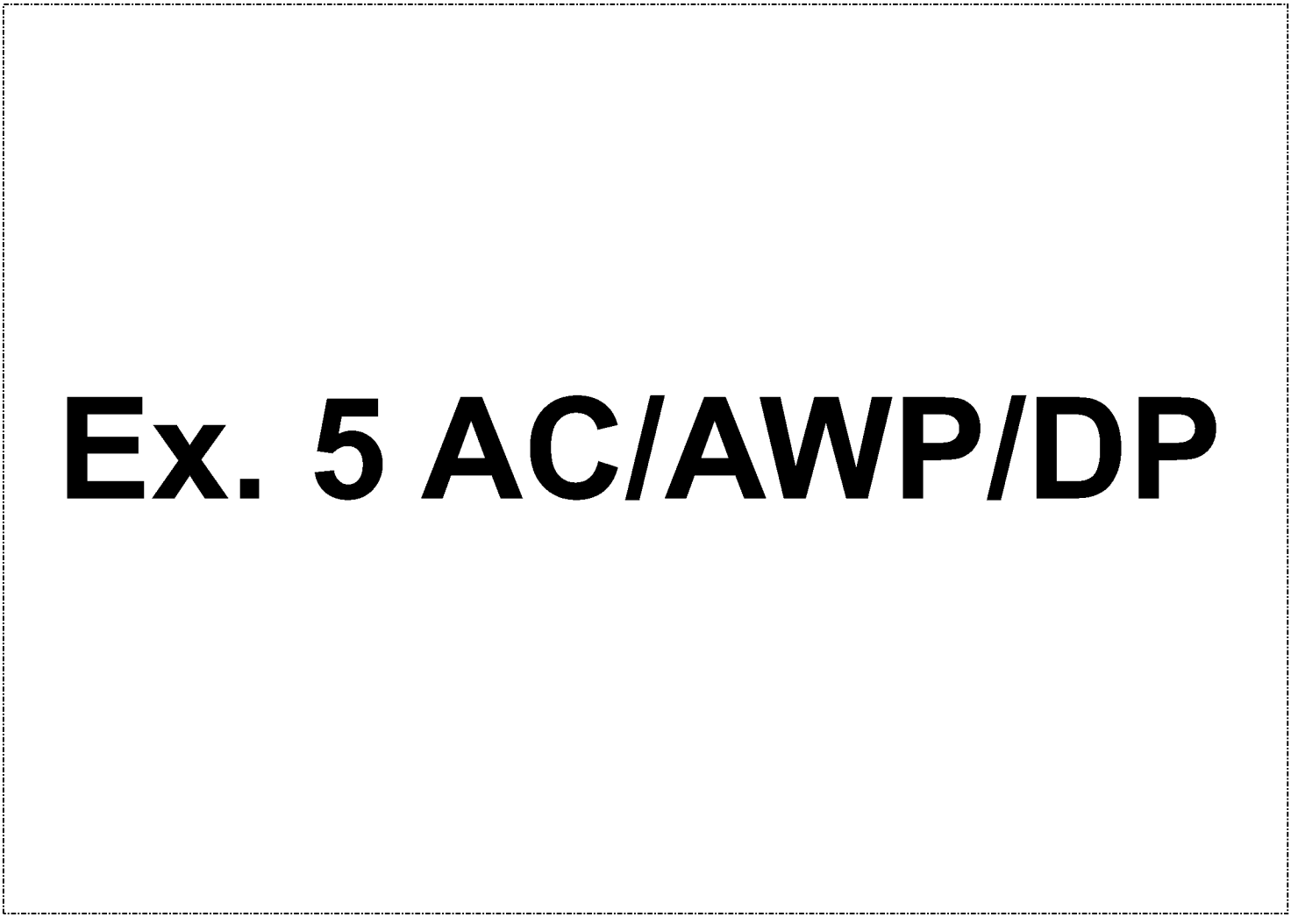
From: Orlin, David <Orlin.David@epa.gov>
Sent: Friday, December 13, 2024 11:46 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

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.



David Orlin (he/him)

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

Message

From: Orlin, David [Orlin.David@epa.gov]
Sent: 1/6/2025 7:05:29 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: RE: [FR] Documents from Environmental Protection Agency
Attachments: center-for-biological-diversity-clean-air-act-lawsuit.pdf

The un-date stamped petition is available (attached) but I will wait til the date stamped one shows up for now.

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, January 6, 2025 2:04 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

We typically do it when the petition for review is actually available I don't see a link to the petition in the trade press so I think we can wait!

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: Monday, January 6, 2025 1:58 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

I was going to send a note to Jessica O'Donnell. Should I do a new litigation email for the front office as well (or do we wait until it's actually available on the court's website?)

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, January 6, 2025 1:55 PM
To: Orlin, David <Orlin.David@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

WOW they didn't wait long…

(and should not detract from the well-deserved congrats over getting this done!)

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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To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

And CBD has sued us…

https://subscriber.politicopro.com/article/eenews/2025/01/06/enviros-sue-epa-over-landmark-air-quality-standards-00196645

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

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Monday, January 6, 2025 10:21 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Cc: Williams, Melina <Williams.Melina@epa.gov>
Subject: FW: [FR] Documents from Environmental Protection Agency

Happy New Year, team! The NOx/SOx/PM secondary NAAQS final rule published! Huzzah!!!

Will send to DOJ and the SO2 implementation team. 😊

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

From: Federal Register Subscriptions <subscriptions@mail.federalregister.gov>
Sent: Friday, December 27, 2024 10:40 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: [FR] Documents from Environmental Protection Agency

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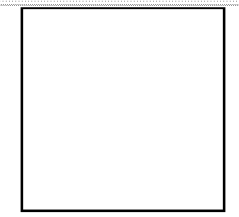

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Rules

Air Quality State Implementation Plans; Approvals and Promulgations: Colorado; Common Provisions Regulation

FR Document: 2024-30695 PDF Pages 105461-105463 *(3 pages)*
Citation: 89 FR 105461 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving revisions to the Con Provisions Regulation of the Colorado State Implementation Plan (SIP). These revisions submitted by the State of Colorado in response to the EPA's June 12, 2015, Findings of Substantial Inadequacy and "SIP calls" for certain provisions in the SIP related to affirma defenses applicable to excess emissions during startup, shutdown, and malfunction (SSI The EPA is approving these SIP revisions...

Indiana; Update to Code of Federal Regulations References

FR Document: 2024-30729 PDF Pages 105459-105461 *(3 pages)*
Citation: 89 FR 105459 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving a request submitted Indiana Department of Environmental Management (IDEM) on December 14, 2023, to re Indiana State Implementation Plan (SIP). The submission revises and updates the Indiar Administrative Code (IAC) definition of "References to the Code of Federal Regulations," 2018 edition to the 2022 edition. EPA proposed to approve this action on August 18, 202 received no adverse comments.

Kentucky; Revisions to Jefferson County Control of Open Burning

FR Document: 2024-30741 PDF Pages 105463-105465 *(3 pages)*
Citation: 89 FR 105463 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving changes to the Jeffe County portion of the Kentucky State Implementation Plan (SIP) submitted by the Comm

of Kentucky through the Kentucky Division for Air Quality (KDAQ) on May 30, 2023. The changes were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (District, also referred to herein as Jefferson County). EPA is approving changes to the District's rules whi clarify that a fire for...

Spokane Regional Clean Air Agency; Control of Emissions from Existing Large Municipal Waste Combustors

FR Document: 2024-30535 PDF Pages 105468-105470 *(3 pages)*
Citation: 89 FR 105468 Permalink
Abstract: The Environmental Protection Agency (EPA) is taking final action to partially a and partially disapprove a July 18, 2022, Clean Air Act (CAA) State Plan submitted by th Regional Clean Air Agency (SRCAA) to establish emission limits for existing large munic combustors (MWC) and to provide for the implementation and enforcement of these limit submitted this State Plan to fulfill its requirements under the CAA in response to the EPA 2006, promulgation...

Washington; Excess Emissions, Startup, Shutdown, and Malfunction Revisions, Energy Facility Site Evaluation Council

FR Document: 2024-30536 PDF Pages 105456-105459 *(4 pages)*
Citation: 89 FR 105456 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving Washington State Implementation Plan (SIP) revisions to the Energy Facility Site Evaluation Council (EFSE quality regulations submitted by the State of Washington, through the Department of Eco (Ecology) on June 15, 2023. The revisions were submitted in response to the EPA's Jun "SIP call" in which the EPA found substantially inadequate a Washington SIP provision p affirmative defenses that operate to limit the...

Outer Continental Shelf Air Regulations: Amendment to State Requirements Incorporated by Reference; Massachusetts

FR Document: 2024-30800 PDF Pages 105465-105468 *(4 pages)*
Citation: 89 FR 105465 Permalink
Abstract: The Environmental Protection Agency (EPA) is updating a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources locate miles of states' seaward boundaries must be updated periodically to remain consistent w requirements of the corresponding onshore area (COA), as mandated by the Clean Air A portion of the OCS air regulations that is being updated pertains to the requirements for sources for which Massachusetts is the...

Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:

Ethiprole

FR Document: 2024-30581 PDF Pages 105470-105472 *(3 pages)*
Citation: 89 FR 105470 Permalink
Abstract: This regulation establishes a tolerance (without U.S. registrations) for residues ethiprole in or on sugarcane. Bayer CropScience LP requested this tolerance under the F Food, Drug, and Cosmetic Act (FFDCA).

Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter

FR Document: 2024-29463 PDF Pages 105692-105788 *(97 pages)*
Citation: 89 FR 105692 Permalink
Abstract: Based on the Environmental Protection Agency's (EPA's) review of the air qua for ecological effects and secondary national ambient air quality standards (NAAQS) for nitrogen (N oxides), oxides of sulfur (SOX), and particulate matter (PM), the EPA is revis existing secondary sulfur dioxide (SO2) standard to an annual average, averaged over th consecutive years, with a level of 10 parts per billion (ppb). Additionally, the Agency is...

Proposed Rules

Air Quality State Implementation Plans; Approvals and Promulgations: Florida; Second Planning Period Regional Haze Plan

FR Document: 2024-30751 PDF Pages 105506-105534 *(29 pages)*
Citation: 89 FR 105506 Permalink
Abstract: The Environmental Protection Agency (EPA) is proposing to approve regional state implementation plan (SIP) revisions submitted by the Florida Department of Enviror Protection (FDEP) on October 8, 2021, and supplemented on June 14, 2024, and Octob 2024, as satisfying applicable requirements under the Clean Air Act (CAA or Act) and EP Regional Haze Rule (RHR) for the program's second planning period. Florida's SIP subm for the second planning period address the...

National Emission Standards for Hazardous Air Pollutants: Polyether Polyols Production Industry

FR Document: 2024-29466 PDF Pages 105986-106061 *(76 pages)*
Citation: 89 FR 105986 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is proposing amendments t National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Ai

(CAA) that apply to the Polyether Polyols (PEPO) Production industry (referred to as the PEPO NESHAP in this document). The EPA is proposing decisions resulting from the Agency's technology review of the PEPO NESHAP and decisions based on its reconsideration of certain issues raised in an administrative petition for...

Notices

Environmental Impact Statements; Availability, etc.

FR Document: 2024-30976 PDF Page 105604 *(1 page)*
Citation: 89 FR 105604 Permalink
Abstract: [Not available]

Pesticides:

Comparison of Aquatic Life Protective Values Developed under the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act

FR Document: 2024-31086 PDF Pages 105567-105604 *(38 pages)*
Citation: 89 FR 105567 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is announcing the availabilit analyses comparing aquatic life benchmarks developed by the EPA's Office of Pesticides Programs (OPP) in support of registration decisions for pesticides under the Federal Inse Fungicide and Rodenticide Act (FIFRA) to existing national recommended aquatic life An Water Quality Criteria and criteria-related values developed under the Clean Water Act (the protection of aquatic life from...

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Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 1/6/2025 9:12:57 PM
To: Orlin, David [Orlin.David@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: [FR] Documents from Environmental Protection Agency

Dang it! Lol.

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

From: Orlin, David <Orlin.David@epa.gov>
Sent: Monday, January 6, 2025 2:05 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

The un-date stamped petition is available (attached) but I will wait til the date stamped one shows up for now.

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, January 6, 2025 2:04 PM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

We typically do it when the petition for review is actually available I don't see a link to the petition in the trade press so I think we can wait!

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: Monday, January 6, 2025 1:58 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

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David Orlin (he/him)

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

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, January 6, 2025 1:55 PM
To: Orlin, David <Orlin.David@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

WOW they didn't wait long…

(and should not detract from the well-deserved congrats over getting this done!)

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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Cc: Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: [FR] Documents from Environmental Protection Agency

And CBD has sued us…

https://subscriber.politicopro.com/article/eenews/2025/01/06/enviros-sue-epa-over-landmark-air-quality-standards-00196645

David Orlin (he/him)
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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
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Cc: Williams, Melina <Williams.Melina@epa.gov>
Subject: FW: [FR] Documents from Environmental Protection Agency

Happy New Year, team! The NOx/SOx/PM secondary NAAQS final rule published! Huzzah!!!

Will send to DOJ and the SO2 implementation team. 😊

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

From: Federal Register Subscriptions <subscriptions@mail.federalregister.gov>
Sent: Friday, December 27, 2024 10:40 AM

To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: [FR] Documents from Environmental Protection Agency

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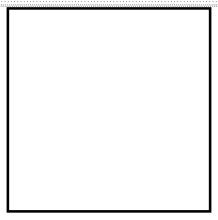

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Rules

Air Quality State Implementation Plans; Approvals and Promulgations: Colorado; Common Provisions Regulation

FR Document: 2024-30695 PDF Pages 105461-105463 *(3 pages)*
Citation: 89 FR 105461 Permalink
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Indiana; Update to Code of Federal Regulations References

FR Document: 2024-30729 PDF Pages 105459-105461 *(3 pages)*
Citation: 89 FR 105459 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving a request submitted Indiana Department of Environmental Management (IDEM) on December 14, 2023, to re Indiana State Implementation Plan (SIP). The submission revises and updates the Indiar Administrative Code (IAC) definition of "References to the Code of Federal Regulations," 2018 edition to the 2022 edition. EPA proposed to approve this action on August 18, 202 received no adverse comments.

Kentucky; Revisions to Jefferson County Control of Open Burning

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Citation: 89 FR 105463 Permalink
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Spokane Regional Clean Air Agency; Control of Emissions from Existing Large Municipal Waste Combustors

FR Document: 2024-30535 PDF Pages 105468-105470 *(3 pages)*
Citation: 89 FR 105468 Permalink
Abstract: The Environmental Protection Agency (EPA) is taking final action to partially a and partially disapprove a July 18, 2022, Clean Air Act (CAA) State Plan submitted by th Regional Clean Air Agency (SRCAA) to establish emission limits for existing large munic combustors (MWC) and to provide for the implementation and enforcement of these limit submitted this State Plan to fulfill its requirements under the CAA in response to the EPA 2006, promulgation...

Washington; Excess Emissions, Startup, Shutdown, and Malfunction Revisions, Energy Facility Site Evaluation Council

FR Document: 2024-30536 PDF Pages 105456-105459 *(4 pages)*
Citation: 89 FR 105456 Permalink
Abstract: The Environmental Protection Agency (EPA) is approving Washington State Implementation Plan (SIP) revisions to the Energy Facility Site Evaluation Council (EFSE quality regulations submitted by the State of Washington, through the Department of Eco (Ecology) on June 15, 2023. The revisions were submitted in response to the EPA's June "SIP call" in which the EPA found substantially inadequate a Washington SIP provision p affirmative defenses that operate to limit the...

Outer Continental Shelf Air Regulations: Amendment to State Requirements Incorporated by Reference; Massachusetts

FR Document: 2024-30800 PDF Pages 105465-105468 *(4 pages)*
Citation: 89 FR 105465 Permalink

Abstract: The Environmental Protection Agency (EPA) is updating a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 2 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Massachusetts is the...

Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.: Ethiprole

FR Document: 2024-30581 PDF Pages 105470-105472 *(3 pages)*
Citation: 89 FR 105470 Permalink
Abstract: This regulation establishes a tolerance (without U.S. registrations) for residues ethiprole in or on sugarcane. Bayer CropScience LP requested this tolerance under the F Food, Drug, and Cosmetic Act (FFDCA).

Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter

FR Document: 2024-29463 PDF Pages 105692-105788 *(97 pages)*
Citation: 89 FR 105692 Permalink
Abstract: Based on the Environmental Protection Agency's (EPA's) review of the air qua for ecological effects and secondary national ambient air quality standards (NAAQS) for nitrogen (N oxides), oxides of sulfur (SOX), and particulate matter (PM), the EPA is revis existing secondary sulfur dioxide (SO2) standard to an annual average, averaged over th consecutive years, with a level of 10 parts per billion (ppb). Additionally, the Agency is...

Proposed Rules

Air Quality State Implementation Plans; Approvals and Promulgations: Florida; Second Planning Period Regional Haze Plan

FR Document: 2024-30751 PDF Pages 105506-105534 *(29 pages)*
Citation: 89 FR 105506 Permalink
Abstract: The Environmental Protection Agency (EPA) is proposing to approve regional state implementation plan (SIP) revisions submitted by the Florida Department of Enviror Protection (FDEP) on October 8, 2021, and supplemented on June 14, 2024, and Octobe 2024, as satisfying applicable requirements under the Clean Air Act (CAA or Act) and EP Regional Haze Rule (RHR) for the program's second planning period. Florida's SIP subm for the second planning period address the...

National Emission Standards for Hazardous Air Pollutants:

Polyether Polyols Production Industry

FR Document: 2024-29466 PDF Pages 105986-106061 *(76 pages)*
Citation: 89 FR 105986 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is proposing amendments t National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Ai (CAA) that apply to the Polyether Polyols (PEPO) Production industry (referred to as the NESHAP in this document). The EPA is proposing decisions resulting from the Agency's technology review of the PEPO NESHAP and decisions based on its reconsideration of issues raised in an administrative petition for...

Notices

Environmental Impact Statements; Availability, etc.

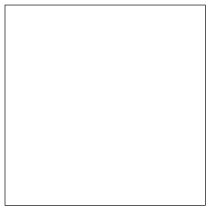
FR Document: 2024-30976 PDF Page 105604 *(1 page)*
Citation: 89 FR 105604 Permalink
Abstract: [Not available]

Pesticides:

Comparison of Aquatic Life Protective Values Developed under the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act

FR Document: 2024-31086 PDF Pages 105567-105604 *(38 pages)*
Citation: 89 FR 105567 Permalink
Abstract: The U.S. Environmental Protection Agency (EPA) is announcing the availabilit analyses comparing aquatic life benchmarks developed by the EPA's Office of Pesticides Programs (OPP) in support of registration decisions for pesticides under the Federal Inse Fungicide and Rodenticide Act (FIFRA) to existing national recommended aquatic life An Water Quality Criteria and criteria-related values developed under the Clean Water Act (the protection of aquatic life from...

MATCHING DOCUMENTS



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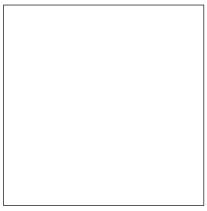

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Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 1/7/2025 10:55:49 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Little Manila Rising v. EPA / recent filings and status
Attachments: Stipulation - Dismissal Without Prejudice 1-8-2025.DOCX

For our discussion.

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, January 7, 2025 5:53 PM
To: Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Little Manila Rising v. EPA / recent filings and status

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

Current working draft with operative language from Martha included.

From: Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Sent: Tuesday, January 7, 2025 5:06 PM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: [EXTERNAL] RE: Little Manila Rising v. EPA / recent filings and status

Yes, the NOI dated September 6, 2024 covered both of the claims included in the complaint.

From: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>
Sent: Tuesday, January 7, 2025 1:58 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Little Manila Rising v. EPA / recent filings and status

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

Was there a notice of intent to sue on the ozone claim ??

From: Cirino, Paul (ENRD)
Sent: Monday, January 6, 2025 2:57 PM
To: Messing, Aaron <messing.aaron@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: RE: Little Manila Rising v. EPA / recent filings and status

All—

I spoke with Brent, who listened to and understood our proposal. He is taking it back to his client and will let us know [Ex. 5 AC/AWP/DP]

Paul

-----Original Appointment-----
From: Messing, Aaron <messing.aaron@epa.gov>
Sent: Monday, December 30, 2024 3:45 PM
To: Messing, Aaron; Perez Ortiz, Yasmin; Cirino, Paul (ENRD); Wehling, Jefferson
Cc: O'Donnell, Jessica (ENRD); Christenson, Kara (she/her/hers)
Subject: Little Manila Rising v. EPA / recent filings and status
When: Monday, January 6, 2025 10:30 AM-11:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Reserving an hour, but we will likely not need the whole time.

Microsoft Teams Need help?

Join the meeting now

[Ex. 6 Personal Privacy (PP)]

More info

For organizers: Meeting options | Reset dial-in PIN

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

From: Messing, Aaron
Sent: Monday, December 30, 2024 11:43 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: RE: Little Manila Rising v. EPA / recent filings and status

Thanks Paul and Yasmin. R9 is also on board with this plan. I will set up a meeting for us on Jan 6.

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Monday, December 30, 2024 9:07 AM
To: Cirino, Paul (ENRD) <Paul.Cirino@usdoj.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: Little Manila Rising v. EPA / recent filings and status

Good afternoon, Paul –

Happy Holidays! Thank you for sharing.

I agree with your proposed plan. Let us discuss on January 6.

Also, I plan to take time off from Jan. 21 through Jan. 28.

Regards,

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 30, 2024 10:08 AM
To: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>;

Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>
Cc: O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Little Manila Rising v. EPA / recent filings and status

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

All-

I hope all of you are having a safe and healthy holiday season. There have been some developments in the above cases – but nothing surprising.

Today I filed the attached Certified Index to the Administrative Record. I also am attaching the motions to intervene filed in the 9th Circuit and District Court by the San Joaquin Valley Unified Air Pollution Control District. These motions remain pending.

Ex. 5 AC/AWP/DP

If you would like to discuss, let's schedule a call for January 6. If you think a discussion this week is necessary, that's fine too – just let me know.

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: 1/7/2025 11:33:59 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Status - Little Manila Rising, et al. v. EPA, et al. (9th Cir).
Attachments: Stipulation 1-7-2025.pdf

Hi Gautam –

Happy New Year!

I hope you are enjoying the snow.

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

Message

From: Seidman, Emily [seidman.emily@epa.gov]
Sent: 1/10/2025 2:59:21 PM
To: Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Subject: RE: "Promulgation" thoughts and heads up re: NOx/SOx/PM final action
Attachments: 2024.10.15 - GNP Recon Response.pdf

CUI//PRIVILEGE

Hi Vera and all,

Ex. 5 AC/AWP/DP

Emily

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

Pronouns: she/her/hers

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From: Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Sent: Friday, January 10, 2025 9:29 AM
To: Mathias, Scott <Mathias.Scott@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: "Promulgation" thoughts and heads up re: NOx/SOx/PM final action

Hi Scott and Gautam,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks for reading.
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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Message

From: Miller, Meredith [Miller.Meredith@epa.gov]
Sent: 1/10/2025 9:41:03 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]
Subject: RE: ISO an assist on monitor data and designations
Attachments: Proposed Plan to Back-Correct.pdf; Proposed Back-Correction Information Doc.pdf; FRN Final Teledyne PM Update.pdf; Response to Comments FRN Final Teledyne PM Update.pdf; Supplemental Info Final Teledyne PM Update.pdf; KS draft designation recommendations.pdf

CUI//PRIVILEGE

Ex. 5 AC/DP

I understand your concern and agree more discussion is warranted. I'd like to loop in Brett Gantt, Liz Naess, and Tim Hanley.

Talk next week,

Meredith

Ex. 5 AC/DP

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, January 10, 2025 3:48 PM
To: Miller, Meredith <Miller.Meredith@epa.gov>

Cc: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>
Subject: ISO an assist on monitor data and designations

CUI//PRIVILEGE

M2:

Ex. 5 AC/DP

G

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/13/2025 1:26:47 PM
To: Scott, Denise [Scott.Denise@epa.gov]; Evangelista, Mark [Evangelista.Mark@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Gantt, Brett [Gantt.Brett@epa.gov]; Smith, Jason [Smith.Jason@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]
CC: Hanley, Tim [Hanley.Tim@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Question on CBSAs and 2020 OMB Document Referenced in the Designations Memo

CUI//PRIVILEGE

Gang:

Thanks for following up and keeping us in the loop.

G

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From: Scott, Denise <Scott.Denise@epa.gov>
Sent: Monday, January 13, 2025 7:40 AM
To: Evangelista, Mark <Evangelista.Mark@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Gantt, Brett <Gantt.Brett@epa.gov>; Smith, Jason <Smith.Jason@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Cc: Hanley, Tim <Hanley.Tim@epa.gov>
Subject: RE: Question on CBSAs and 2020 OMB Document Referenced in the Designations Memo

Ex. 5 AC/DP

Sorry I didn't recall this email last week. So much water over the dam since then-
Denise

From: Evangelista, Mark <Evangelista.Mark@epa.gov>
Sent: Friday, January 10, 2025 12:37 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>; Scott, Denise <Scott.Denise@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Gantt, Brett <Gantt.Brett@epa.gov>; Smith, Jason <Smith.Jason@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Cc: Hanley, Tim <Hanley.Tim@epa.gov>
Subject: RE: Question on CBSAs and 2020 OMB Document Referenced in the Designations Memo

Ex. 5 AC/DP

Mark Evangelista

Air Quality Analysis Group | Air Quality Assessment Division
Office of Air Quality Planning & Standards | U. S. Environmental Protection Agency

Mail Box C304-02 109 T.W. Alexander Drive P.O. Box 12055 Research Triangle Park, NC 27711
919-541-2803

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Friday, January 10, 2025 11:12 AM
To: Scott, Denise <Scott.Denise@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Evangelista, Mark <Evangelista.Mark@epa.gov>; Gantt, Brett <Gantt.Brett@epa.gov>; Smith, Jason <Smith.Jason@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Cc: Hanley, Tim <Hanley.Tim@epa.gov>
Subject: FW: Question on CBSAs and 2020 OMB Document Referenced in the Designations Memo

Hi Everyone,

Ex. 5 AC/DP

Stephen

From: Scott, Denise <Scott.Denise@epa.gov>
Sent: Tuesday, March 26, 2024 2:20 PM
To: Adams, Evan (he/him/his) <adams.evan@epa.gov>; Leith, Andrew <Leith.Andrew@epa.gov>
Cc: Jarvis, Simone (she/her/hers) <Jarvis.Simone@epa.gov>; Spann, Jane <Spann.Jane@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Evangelista, Mark <Evangelista.Mark@epa.gov>
Subject: RE: Question on CBSAs and 2020 OMB Document Referenced in the Designations Memo

Ex. 5 AC/DP

Thank you for bringing this to our attention.

Denise Scott

From: Adams, Evan (he/him/his)
Sent: Tuesday, March 26, 2024 9:37 AM
To: Scott, Denise ; Leith, Andrew
Cc: Jarvis, Simone (she/her/hers) ; Spann, Jane ; Deabler, Gabrielle
Subject: Question on CBSAs and 2020 OMB Document Referenced in the Designations Memo

Good morning Denise and Andrew,

We received another question from Kentucky that we were hoping to get clarity from you all on. Below is the full message from KY and I've highlighted the key questions in yellow.

Ex. 5 AC/DP

Please let us know if you have any questions or comments.

Thanks,
Evan

Evan Adams (He/Him)
Environmental Engineer | Particulate Matter Expert
Air and Radiation Division | Air Regulatory Management Section
U.S. Environmental Protection Agency, Region 4

61 Forsyth St. SW | Atlanta, GA 30303
404.562.9009 | adams.evan@epa.gov

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/13/2025 2:50:43 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Subject: FW: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal
Attachments: Petitioner Opening Brief [filed 07-29-24].pdf; EPA_MERITS_BRIEF_final_proof as filed [10-07-24].pdf; SSM AD intervenor brief [filed 10-18-24].pdf; Petitioner Reply Brief [filed 11-12-24].pdf

CUI//PRIVILEGE

Gang:

Ex. 5 AC/AWP/DP

I hope the court reads it.

G

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From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, January 10, 2025 6:47 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal

CUI//PRIVILEGE

FYI

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Friday, January 10, 2025 3:40 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>; Spangler, Matthew

<Spangler.Matthew@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>
Subject: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal

On Tuesday, January 14, the D.C. Circuit Court of Appeals will hear oral argument in *SSM Litigation Group v. EPA*, No. 23-1267. The Petitioner in this case (SSM Litigation Group), an *ad hoc* organization of trade associations and business organizations, challenges an EPA final rule that removed "emergency"-related affirmative defense provisions from EPA's title V regulations and required state/local/tribal agencies to remove these provisions from their title V programs and permits (88 Fed. Reg. 47,029 (July 21, 2023), available at https://www.govinfo.gov/content/pkg/FR-2023-07-21/pdf/2023-15067.pdf). Several environmental groups, represented by the Sierra Club, Earthjustice, the Environmental Integrity Project, and NRDC, have intervened on EPA's behalf.

Circuit Judges Neomi Rao and Justin Walker, and Senior Circuit Judge Douglas Ginsburg, are on the panel. Daniel Dertke from DOJ will argue on behalf of EPA. Russell Frye of FryeLaw PLLC will argue on behalf of Petitioner. Argument is scheduled to begin at 9:30am ET in Courtroom 31 at the E. Barrett Prettyman U.S. Courthouse (333 Constitution Avenue, NW, Washington, DC 20001), and will be livestreamed here. An audio recording will also be available afterwards at https://media.cadc.uscourts.gov/recordings/. The briefs are attached.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Please contact me or Mike Lee if you have questions about this case.

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

Message

From: Hong, Jeanhee [Hong.Jeanhee@epa.gov]
Sent: 1/13/2025 4:28:58 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP's

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, January 13, 2025 6:51 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: FW: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal

CUI//PRIVILEGE

Gang:

Ex. 5 AC/AWP/DP

I hope the court reads it.

G

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, January 10, 2025 6:47 PM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal

CUI//PRIVILEGE

FYI

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Friday, January 10, 2025 3:40 PM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Greenfield, Meghan <Greenfield.Meghan@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>; Spangler, Matthew <Spangler.Matthew@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>
Subject: Oral Argument Tuesday, January 14, in D.C. Circuit case challenging title V affirmative defense removal

On Tuesday, January 14, the D.C. Circuit Court of Appeals will hear oral argument in *SSM Litigation Group v. EPA*, No. 23-1267. The Petitioner in this case (SSM Litigation Group), an *ad hoc* organization of trade associations and business organizations, challenges an EPA final rule that removed "emergency"-related affirmative defense provisions from EPA's title V regulations and required state/local/tribal agencies to remove these provisions from their title V programs and permits (88 Fed. Reg. 47,029 (July 21, 2023), available at https://www.govinfo.gov/content/pkg/FR-2023-07-21/pdf/2023-15067.pdf). Several environmental groups, represented by the Sierra Club, Earthjustice, the Environmental Integrity Project, and NRDC, have intervened on EPA's behalf.

Circuit Judges Neomi Rao and Justin Walker, and Senior Circuit Judge Douglas Ginsburg, are on the panel. Daniel Dertke from DOJ will argue on behalf of EPA. Russell Frye of FryeLaw PLLC will argue on behalf of Petitioner. Argument is scheduled to begin at 9:30am ET in Courtroom 31 at the E. Barrett Prettyman U.S. Courthouse (333 Constitution Avenue, NW, Washington, DC 20001), and will be livestreamed here. An audio recording will also be available afterwards at https://media.cadc.uscourts.gov/recordings/. The briefs are attached.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Please contact me or Mike Lee if you have questions about this case.

Jeanhee (pronounced "Jeannie") Hong | she/her
Attorney-Advisor, Air and Radiation Law Office
Office of General Counsel, U.S. EPA | (202) 565-0040

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/13/2025 9:58:19 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: This one - FW: Ass'n of Irritated Residents v. United States EPA_10 F.4th 937
Attachments: Ass_n of Irritated Residents v. United States EPA_10 F.4th 937.pdf

From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Monday, January 13, 2025 4:58 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Ass'n of Irritated Residents v. United States EPA_10 F.4th 937

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/13/2025 10:20:29 PM
To: Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: lookey here.... FW: Sierra Club v. United States EPA_939 F.3d 649
Attachments: Sierra Club v. United States EPA_939 F.3d 649.pdf

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Gang:

Ex. 5 AC/AWP/DP

G

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From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Monday, January 13, 2025 5:16 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Sierra Club v. United States EPA_939 F.3d 649

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5th Circuit describing what a limited/limited is factually

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Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/13/2025 10:37:54 PM
To: Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]
CC: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: lookey here.... FW: Sierra Club v. United States EPA_939 F.3d 649
Attachments: Sierra Club v. United States EPA_939 F.3d 649.pdf

CUI//PRIVILEGE

GF:

Ex. 5 AC/AWP/DP

G

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From: Wilcox, Geoffrey
Sent: Monday, January 13, 2025 5:20 PM
To: Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: lookey here.... FW: Sierra Club v. United States EPA_939 F.3d 649

Gang:

Ex. 5 AC/AWP/DP

G

From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Monday, January 13, 2025 5:16 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Sierra Club v. United States EPA_939 F.3d 649

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Appointment

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 1/15/2025 1:19:35 AM
To: Fernandez, Cristina (she/her/hers) [Fernandez.Cristina@epa.gov]; Bonifacino, Gina [Bonifacino.Gina@epa.gov]; Ahuja, Anupa [ahuja.anupa@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; Devkota, Om [devkota.om@epa.gov]; Letterly, Aaron [Letterly.Aaron@epa.gov]; Nguyen, Khoi (she/her/hers) [Nguyen.Khoi@epa.gov]; Shahin, Emad [Shahin.Emad@epa.gov]; Lewis, Adam [Lewis.Adam@epa.gov]; Schluter, Catherine (she/her/hers) [Schluter.Catherine@epa.gov]; Taveras, Fausto (he/him/his) [Taveras.Fausto@epa.gov]; Aburano, Douglas [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]; 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]; 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] Clark, Adam [Clark.Adam@epa.gov]; Leo, Julia [Leo.Julia@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]; Tsui-Bowen, Alethea [Tsui-Bowen.Alethea@epa.gov]; Shi, Jia [Shi.Jia@epa.gov]; Jarvis, Simone (she/her/hers) [Jarvis.Simone@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: January 2025 ozone implementation workgroup agenda.docx
Location: Microsoft Teams Meeting

Start: 1/15/2025 6:00:00 PM
End: 1/15/2025 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

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 1/16/2025 9:17:05 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: FW: Question about Louisville, KY budgets for conformity

Importance: High

Hi Abi (+ Kaytrue for awareness),

Ex. 5 AC/DP

Let me know if you have any questions or concerns.

Thanks!
Melina

***

Hi, Dianna.

Ex. 5 AC/DP

Thanks, and please let the Conformity Team know if you have any questions.

OTAQ Conformity Team

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

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From: Letterly, Aaron <Letterly.Aaron@epa.gov>
Sent: Thursday, January 16, 2025 3:43 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>; Potzler, Matthew <Potzler.Matthew@epa.gov>; Obrien, Scott <Obrien.Scott@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hello, Melina.

Ex. 5 AC/DP

Otherwise, have a nice time away.

Thanks,
Conformity Team

Hi, Dianna.

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks, and please let the Conformity Team know if you have any questions.

OTAQ Conformity Team

Aaron Letterly
State and Local Transportation Programs Branch | Ann Arbor, MI

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Wednesday, January 15, 2025 4:49 PM
To: Letterly, Aaron <Letterly.Aaron@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hi Aaron,

Ex. 5 AC/DP

Ex. 5 AC/DP

Happy to chat more as needed!

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

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From: Letterly, Aaron <Letterly.Aaron@epa.gov>
Sent: Wednesday, January 15, 2025 10:26 AM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Melina,

Ex. 5 AC/DP

Ex. 5 AC/DP



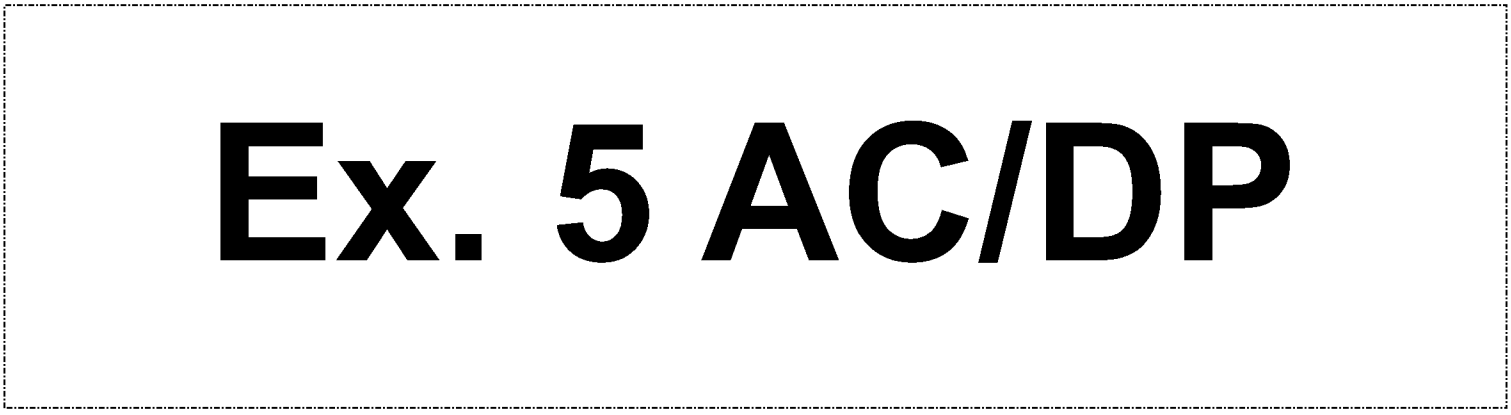
We hope this answers your questions, and please let us know if you would like to discuss anything further. We're doing our best to get an answer back to Dianna soon.

Thanks,
Aaron

Aaron Letterly
State and Local Transportation Programs Branch | Ann Arbor, MI

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Tuesday, January 14, 2025 1:17 PM
To: Letterly, Aaron <Letterly.Aaron@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hi Aaron,



Thanks,
Melina

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

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From: Letterly, Aaron <Letterly.Aaron@epa.gov>
Sent: Tuesday, January 14, 2025 12:33 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: Question about Louisville, KY budgets for conformity

Hi, Melina. I hope you have had a nice start to the year.

Ex. 5 AC/DP

If you agree, I will reply to Dianna saying as much.

Thanks,
Aaron

Aaron Letterly
State and Local Transportation Programs Branch | Ann Arbor, MI

Message

From: Kataoka, Mark [Kataoka.Mark@epa.gov]
Sent: 1/16/2025 9:52:21 PM
To: Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Huskey, Angela (she/her/hers) [Huskey.Angela@epa.gov]; Kendrick, Hunter [Kendrick.Hunter@epa.gov]; Koch, Erin (she/her/hers) [Koch.Erin@epa.gov]; Heyboer, Camille (she/her/hers) [Heyboer.Camille@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
CC: Kuschel, Valarie (she/her/hers) [Kuschel.Valarie@epa.gov]; Frank, Carin (she/her/hers) [Frank.Carin@epa.gov]; Green, Noelle [Green.Noelle@epa.gov]; Goldman, Lisa [Goldman.Lisa@epa.gov]; Fisher, Bethany (she/her/hers) [fisher.bethany@epa.gov]; Serassio, Helen [Serassio.Helen@epa.gov]
Subject: Administrative Stays and Delays
Attachments: Administrative Stays and Delays Memo.pdf

ARLO, PTSLO, SWERLO and WLO Assistants,

FYI attached is a CCILO staff memorandum developed by attorneys in my PG concerning Administrative Stays and Delays of Final Rules.

This is an update to similar past CCILO analyses and includes brief discussion of APA procedural requirements, caselaw, and other considerations applicable to administrative stays and delays of final rules.

Please direct any questions regarding topics in this memorandum to me or the following attorneys in my PG:
- Valarie Kuschel (transition-related matters and this memorandum generally)
- Carin Frank (APA administrative stays and delays)
- Noelle Green (APA notice and comment rulemaking, including administrative record)
- Lisa Goldman (direct final and good cause final rules, including interim final rules)

Thanks and have a nice weekend

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

Message

From: Williams, Melina [Williams.Melina@epa.gov]
Sent: 1/16/2025 10:07:31 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: RE: Question about Louisville, KY budgets for conformity

Thanks, Abi, really appreciate the fast turn! I'll send this back to OTAQ shortly.

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, January 16, 2025 4:31 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hi Melina,

I agree with your suggested edits in red, and with OTAQ's draft response generally. Nothing sticks out at me as heartburn-inducing, 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")

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: Williams, Melina <Williams.Melina@epa.gov>
Sent: Thursday, January 16, 2025 4:28 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Ex. 5 AC/DP

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: Williams, Melina
Sent: Thursday, January 16, 2025 4:17 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: FW: Question about Louisville, KY budgets for conformity
Importance: High

Hi Abi (+ Kaytrue for awareness),

Ex. 5 AC/DP

Let me know if you have any questions or concerns.

Thanks!
Melina

***

Hi, Dianna.

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks, and please let the Conformity Team know if you have any questions.

OTAQ Conformity Team

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: Letterly, Aaron <Letterly.Aaron@epa.gov>
Sent: Thursday, January 16, 2025 3:43 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>; Potzler, Matthew <Potzler.Matthew@epa.gov>; Obrien, Scott <Obrien.Scott@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hello, Melina.

Ex. 5 AC/DP

Otherwise, have a nice time away.

Thanks,
Conformity Team

Hi, Dianna.

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks, and please let the Conformity Team know if you have any questions.

OTAQ Conformity Team

Aaron Letterly
State and Local Transportation Programs Branch | Ann Arbor, MI

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Wednesday, January 15, 2025 4:49 PM
To: Letterly, Aaron <Letterly.Aaron@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hi Aaron,

Ex. 5 AC/DP

Ex. 5 AC/DP

Happy to chat more as needed!

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

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From: Letterly, Aaron <Letterly.Aaron@epa.gov>
Sent: Wednesday, January 15, 2025 10:26 AM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Melina,

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,
Aaron

Aaron Letterly
State and Local Transportation Programs Branch | Ann Arbor, MI

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Tuesday, January 14, 2025 1:17 PM
To: Letterly, Aaron <Letterly.Aaron@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: RE: Question about Louisville, KY budgets for conformity

Hi Aaron,

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,
Melina

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: Letterly, Aaron <Letterly.Aaron@epa.gov>
Sent: Tuesday, January 14, 2025 12:33 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Berry, Laura <berry.laura@epa.gov>
Subject: Question about Louisville, KY budgets for conformity

Hi, Melina. I hope you have had a nice start to the year.

Ex. 5 AC/DP

If you agree, I will reply to Dianna saying as much.

Thanks,
Aaron

Aaron Letterly
State and Local Transportation Programs Branch | Ann Arbor, MI

Message

From: Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Sent: 1/17/2025 3:12:22 PM
To: Kataoka, Mark [Kataoka.Mark@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Kuschel, Valarie (she/her/hers) [Kuschel.Valarie@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kramer, Melissa [Kramer.Melissa@epa.gov]
Subject: FW: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline
Attachments: CMAS consent decree.pdf

CUI//PRIVILEGE

Controlled by U.S. Environmental Protection Agency

From: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Sent: Friday, January 17, 2025 10:11 AM
To: Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Lessard, Patrick <Lessard.Patrick@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Joseph, Wanda (she/her/hers) <joseph.wanda@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>
Subject: FW: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Hello Elizabeth,

Ex. 5 AC/AWP/DP

Stacey, please jump in if additional insight or information becomes available.

Thank You,
William Gallagher

Controlled by U.S. Environmental Protection Agency

From: Lessard, Patrick <Lessard.Patrick@epa.gov>
Sent: Friday, January 17, 2025 9:30 AM

To: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Stacey, thank you so much for digging into this more!

William,
The appropriate route is to let Elizabeth know and she should get the information to Martin Franks (OFR liaison). If Elizabeth is out, let me know and I will reach out to Caryn.

Thank you,
Patrick

Controlled by U.S. Environmental Protection Agency

From: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Sent: Friday, January 17, 2025 7:40 AM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Lessard, Patrick <Lessard.Patrick@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Stacey,

Elizabeth Thomas was the one who gave us the edits from OFR and seemed to be the one communicating with OFR for OP for CMAS.

Patrick, see below. Do you have anyone different in mind who might be the OFR liaison?

Thank You,
William Gallagher

Controlled by U.S. Environmental Protection Agency

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Thursday, January 16, 2025 6:14 PM
To: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Subject: FW: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Hi William,

See below. I reached out to our admin law folks to try to find out who the OFR liaison is, but if you happen to know (or know in SPPD might now), could you also check? Given the timing, I want to make sure we relay the necessary info/language to them tomorrow if at all possible.

Thanks!

Regards,

Stacey

Controlled by U.S. Environmental Protection Agency

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, January 16, 2025 6:01 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Thanks for the heads up, Stacey. Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Thursday, January 16, 2025 4:51 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Hi Gautam and Matt,

Ex. 5 AC/AWP/DP

Regards,

Stacey

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

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

Controlled by U.S. Environmental Protection Agency

Appointment

From: Hughes, Krista [hughes.krista@epa.gov]
Sent: 1/17/2025 6:53:44 PM
To: Wendelowski, Karyn [wendelowski.karyn@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ford, Peter [Ford.Peter@epa.gov]; Cabrera, Natalia (she/her/hers) [Cabrera.Natalia@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Murphy, Taylor [Murphy.Taylor@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Versace, Paul [Versace.Paul@epa.gov]
CC: Wade, Alexis [Wade.Alexis@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]

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

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

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

Hi All,

Ex. 5 AC/AWP/DP

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

Thank you,
Krista

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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: Kataoka, Mark [Kataoka.Mark@epa.gov]
Sent: 1/20/2025 7:52:41 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
CC: Kuschel, Valarie (she/her/hers) [Kuschel.Valarie@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: Pending PA redesignation NPRM not yet published - Need Response by 9:30am or so Tue 1/21
Attachments: 10536-01-R3_signed (2).docx

Ex. 5 AC/AWP/DP

Attached is the pre-pub notice

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

From: Kataoka, Mark
Sent: Friday, January 17, 2025 4:03 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: Pending PA redesignation NPRM not yet published

Geoff/Yasmin (or ARLO managers),

Ex. 5 AC/AWP/DP

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

Message

From: Panos, Christos [Panos.Christos@epa.gov]
Sent: 1/21/2025 12:47:29 PM
To: James, Corin [James.Corin01@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Cecala, Ian [cecala.ian@epa.gov]; Gross, Louise C [gross.louise@epa.gov]
CC: Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Choudhury, Mayesha [Choudhury.Mayesha@epa.gov]
Subject: Final Ohio Air Nuisance Rule Reinstatement has published
Attachments: OH_NuisanceRule2_NFR.pdf

This final rule is effective on February 20, 2025.

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

Message

From: Garfinkle, Stacey [garfinkle.stacey@epa.gov]
Sent: 1/21/2025 3:29:45 PM
To: Kataoka, Mark [Kataoka.Mark@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
CC: Kuschel, Valarie (she/her/hers) [Kuschel.Valarie@epa.gov]; Anderson, Lea (she/her/hers) [anderson.lea@epa.gov]; Kramer, Melissa [Kramer.Melissa@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline
Attachments: ENV_DEFENSE-#1242645-v1-CMAS_DN_35_Joint_Notice_of_Stipulated_Extension_of_CD_Deadlines.pdf

CUI//PRIVILEGE

Controlled by U.S. Environmental Protection Agency

From: Garfinkle, Stacey
Sent: Tuesday, January 21, 2025 10:00 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

Hi Mark and Caryn,

Ex. 5 AC/AWP/DP

From: Garfinkle, Stacey
Sent: Friday, January 17, 2025 10:58 AM
To: Kataoka, Mark <Kataoka.Mark@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

Thanks, Mark and Caryn! I appreciate your attention to this. I'm looping in my management in ARLO for awareness.

From: Kataoka, Mark <Kataoka.Mark@epa.gov>
Sent: Friday, January 17, 2025 10:56 AM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: FW: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Caryn – FYI Stacey is the ARLO attorney on CMAS

Stacey – Elizabeth works for Caryn, and these matters are being handled by Caryn herself (with OGC assistance as needed), not at the FR Liaison staffer level, as far as I'm aware.

Ex. 5 AC/AWP/DP

Of course, not everything is in our control.

Thanks for everyone's efforts.

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

Controlled by U.S. Environmental Protection Agency

From: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Sent: Friday, January 17, 2025 10:15 AM
To: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Cc: Kramer, Melissa <Kramer.Melissa@epa.gov>; Lessard, Patrick <Lessard.Patrick@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Joseph, Wanda (she/her/hers) <joseph.wanda@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>; Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Caryn Muellerleile, Director
Regulatory Management Division
Office of Regulatory Policy and Management
Office of Policy
U.S. Environmental Protection Agency
(202) 564-2855 – office
(202) 870-0283 – cell

Controlled by U.S. Environmental Protection Agency

From: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Sent: Friday, January 17, 2025 10:11 AM
To: Thomas, Elizabeth <Thomas.Elizabeth@epa.gov>
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Lessard, Patrick <Lessard.Patrick@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Joseph, Wanda (she/her/hers) <joseph.wanda@epa.gov>; Cozzie, David <Cozzie.David@epa.gov>
Subject: FW: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Hello Elizabeth,

Ex. 5 AC/AWP/DP

Stacey, please jump in if additional insight or information becomes available.

Thank You,
William Gallagher

Controlled by U.S. Environmental Protection Agency

From: Lessard, Patrick <Lessard.Patrick@epa.gov>
Sent: Friday, January 17, 2025 9:30 AM
To: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Stacey, thank you so much for digging into this more!

William,
The appropriate route is to let Elizabeth know and she should get the information to Martin Franks (OFR liaison). If Elizabeth is out, let me know and I will reach out to Caryn.

Thank you,
Patrick

Controlled by U.S. Environmental Protection Agency

From: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Sent: Friday, January 17, 2025 7:40 AM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Cc: Lessard, Patrick <Lessard.Patrick@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Stacey,

Elizabeth Thomas was the one who gave us the edits from OFR and seemed to be the one communicating with OFR for OP for CMAS.

Patrick, see below. Do you have anyone different in mind who might be the OFR liaison?

Thank You,
William Gallagher

Controlled by U.S. Environmental Protection Agency

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Thursday, January 16, 2025 6:14 PM
To: Gallagher, William (he/him/his) <Gallagher.William@epa.gov>
Subject: FW: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Hi William,

See below. I reached out to our admin law folks to try to find out who the OFR liaison is, but if you happen to know (or know in SPPD might now), could you also check? Given the timing, I want to make sure we relay the necessary info/language to them tomorrow if at all possible.

Thanks!

Regards,

Stacey

Controlled by U.S. Environmental Protection Agency

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, January 16, 2025 6:01 PM
To: Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: RE: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Thanks for the heads up, Stacey. Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Garfinkle, Stacey <garfinkle.stacey@epa.gov>
Sent: Thursday, January 16, 2025 4:51 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>
Subject: Update on Chemical Manufacturing Area Sources 112 Proposal Publication Timeline

CUI//PRIVILEGE

Hi Gautam and Matt,

Ex. 5 AC/AWP/DP

Regards,

Stacey

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

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

Controlled by U.S. Environmental Protection Agency

Message

From: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Sent: 1/21/2025 5:21:47 PM
To: McLean, Megan [McLean.Megan@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Catawba County v. EPA_571 F.3d 20
Attachments: Catawba County v. EPA_571 F.3d 20.pdf

CUI//PRIVILEGE

M2:

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: LexisNexisDelivery@lexisnexis.com <LexisNexisDelivery@lexisnexis.com>
Sent: Tuesday, January 21, 2025 12:06 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Catawba County v. EPA_571 F.3d 20

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

Lexis+ Delivery

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

Message

From: Kuschel, Valarie (she/her/hers) [Kuschel.Valarie@epa.gov]
Sent: 1/21/2025 8:34:26 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Messier, Dawn (she/her/hers) [Messier.Dawn@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]
CC: Serassio, Helen [Serassio.Helen@epa.gov]; Fisher, Bethany (she/her/hers) [fisher.bethany@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Goldman, Lisa [Goldman.Lisa@epa.gov]; Green, Noelle [Green.Noelle@epa.gov]; Frank, Carin (she/her/hers) [Frank.Carin@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Zomer, Jessica [Zomer.Jessica@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Huskey, Angela (she/her/hers) [Huskey.Angela@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Parikh, Pooja [Parikh.Pooja@epa.gov]; Mullee, Alec [Mullee.Alec@epa.gov]
Subject: Update - Regulatory Freeze Memo
Attachments: Implementation of Regulatory Freeze; Implementation of Regulatory Freeze; Implementation of Regulatory Freeze: Actions Related to the Federal Register and OIRA

CUI//PRIVILEGE

Good afternoon, all,

Ex. 5 AC/AWP/DP

Thank you,

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

Controlled by U.S. Environmental Protection Agency

Message

From: Kuschel, Valarie (she/her/hers) [Kuschel.Valarie@epa.gov]
Sent: 1/21/2025 8:43:14 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Messier, Dawn (she/her/hers) [Messier.Dawn@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]
CC: Serassio, Helen [Serassio.Helen@epa.gov]; Fisher, Bethany (she/her/hers) [fisher.bethany@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Goldman, Lisa [Goldman.Lisa@epa.gov]; Green, Noelle [Green.Noelle@epa.gov]; Frank, Carin (she/her/hers) [Frank.Carin@epa.gov]; Lee, Michael (he/him/his) [lee.michaelg@epa.gov]; Zomer, Jessica [Zomer.Jessica@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Huskey, Angela (she/her/hers) [Huskey.Angela@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Miles, Erin [Miles.Erin@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Parikh, Pooja [Parikh.Pooja@epa.gov]; Mullee, Alec [Mullee.Alec@epa.gov]
Subject: RE: Update - Regulatory Freeze Memo
Attachments: Implementation of Regulatory Freeze; Implementation of Regulatory Freeze: Actions Related to the Federal Register and OIRA; EPA requests withdrawal from EO 12866 review

CUI//PRIVILEGE

My apologies for the error. Please see the proper attachments here.

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

Controlled by U.S. Environmental Protection Agency

From: Kuschel, Valarie (she/her/hers)
Sent: Tuesday, January 21, 2025 3:34 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Messier, Dawn (she/her/hers) <Messier.Dawn@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Serassio, Helen <Serassio.Helen@epa.gov>; Fisher, Bethany (she/her/hers) <fisher.bethany@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Goldman, Lisa <Goldman.Lisa@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Frank, Carin (she/her/hers) <Frank.Carin@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Huskey, Angela (she/her/hers) <Huskey.Angela@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Parikh, Pooja <Parikh.Pooja@epa.gov>; Mullee, Alec <Mullee.Alec@epa.gov>
Subject: Update - Regulatory Freeze Memo

Good afternoon, all,

Just for your information, provided below is a list of documents EPA OP sent today:

Ex. 5 AC/AWP/DP

Thank you,

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

Appointment

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 1/22/2025 2:49:58 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]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Compher, Michael (he/him/his) [compher.michael@epa.gov]; Lusky, Katy [Lusky.Kathleen@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Frizzell, Gretchen [Frizzell.Gretchen@epa.gov]; Hasselbring, Delaney (she/her/hers) [Hasselbring.Delaney@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Potzler, Matthew [Potzler.Matthew@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]

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

Start: 1/22/2025 3:00:00 PM
End: 1/22/2025 3:30:00 PM
Show Time As: 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; Arra, Sarah (she/her/hers)
Optional Attendees: Leffert, Kaitlyn (she/her/hers); Kapichak, Rudolph; Patulski, Meg; Vijayan, Abi; Mataway-Novak, Dylan (he/him/his); Winkelmann, Joe (Joseph); Compher, Michael (he/him/his); Lusky, Katy; Benjamin, Lynorae; Walther, Katherine; Gross, Louise C; Frizzell, Gretchen (she/her/hers); Hasselbring, Delaney (she/her/hers); Deabler, Gabrielle; McKinley, Gobeail; Potzler, Matthew; LaRocca, Sarah

Ex. 5 AC/DP

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

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: Panos, Christos [Panos.Christos@epa.gov]
Sent: 1/22/2025 4:51:09 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 [wolkins.jed@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]; 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: RE: National SIP Processing Workgroup Conference Call
Attachments: 2025-01-23_Agenda.docx; 2022_110h_Availability_FRN.pdf; 2025_Action_Information_Form_AIF_Template.docx; 2025-01120_Alaska_Notebook_Update.pdf; Regional Packages for Administrator Signature SOP - Final - January 2025.pdf

++++++++++++++++++++++++++

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, December 20, 2024 9:45 AM
To: National SIP Processing Workgroup; Panos, Christos
Cc: Shahin, Emad; Hall, Kristin; Gesualdo, Matthew (he/him/his); Stevens, Arnold; McGuire, Philip (he/him/his); McIntyre, Gerald; James, Corin; Yannayon, Laura; Freund, Weston (he/him/his); Hunt, Jeff; Lillis, Patrick; Paige, Carrie
Subject: National SIP Processing Workgroup Conference Call

When: Thursday, January 23, 2025 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Agenda to follow

Useful Links: (All documents are internal documents not to be shared outside the Agency)

National SIP Processing Workgroup SharePoint site

SIP Processing Manual (Sept 2023)

SIP EJ EO template

SIP Notebook Update Teams Channel

Federal Register Drafting Templates

Statutory and Executive Order Review Templates (includes OP EJ template)

Action Information Form (AIF) template

OP CRA Information Form

Air Quality Implementation Plans

EAMS User Support

FDMS User Guides

SPeCS for SIPs Job Aides

FR Table of Effective Dates

HeinOnline

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*			*Start Time*	*End Time*
January	01/23/2025	12:00 pm	01:00 pm	June	06/26/2025	12:00 pm	01:00 pm
February	02/27/2025	12:00 pm	01:00 pm	July	07/24/2025	12:00 pm	01:00 pm
March	03/27/2025	12:00 pm	01:00 pm	August	08/28/2025	12:00 pm	01:00 pm
April	04/24/2025	12:00 pm	01:00 pm	September	09/25/2025	12:00 pm	01:00 pm
May	05/22/2025	12:00 pm	01:00 pm	October	10/23/2025	12:00 pm	01:00 pm

Third Thursday of the Month.

		Start Time	*End Time*
November	11/20/2025	12:00 pm	01:00 pm
December	12/18/2025	12:00 pm	01:00 pm

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: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 1/22/2025 5:26:04 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]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Compher, Michael (he/him/his) [compher.michael@epa.gov]; Lusky, Katy [Lusky.Kathleen@epa.gov]; Benjamin, Lynorae [benjamin.lynorae@epa.gov]; Walther, Katherine [Walther.Katherine@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Frizzell, Gretchen [Frizzell.Gretchen@epa.gov]; Hasselbring, Delaney (she/her/hers) [Hasselbring.Delaney@epa.gov]; Deabler, Gabrielle [Deabler.Gabrielle@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; Potzler, Matthew [Potzler.Matthew@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]
Subject: RE: Louisville (2015 O3) | CMs in split NAA (continued)

Takeaways from this morning's follow-up discussion below. Please reply all with any revisions and supplements. Thanks all!

Ex. 5 AC/DP

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

~~~~~~~~~~~~~~~~~~~~~~

From: Lingard, Robert (he/him/his)
Sent: Monday, October 28, 2024 1:57 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: RE: Louisville (2015 O3) | CM triggering in split NAA
~~~~~~~~~~~~~~~~~~~~~~

Thanks everybody for getting together this morning. A few takeways below, and please reply all with any revisions or additions.

Ex. 5 AC/DP

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: Frizzell, Gretchen [Frizzell.Gretchen@epa.gov]
Sent: 1/22/2025 8:07:36 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: RE: Louisville deadline suit
Attachments: US_DIS_KYWD_3_24cv600_d286754445e1340_ORDER_FOR_MEETING_AND_REPORT_EBOC_by_Judge_Claria_.pdf

CUI//PRIVILEGE

Hi, Abi—

Right, the case is not in abeyance. The court issued an order, attached, setting a case management conference for February 21. I learned this when I pulled up the docket today, so I sent the order to the DOJ attorney, Martin McDermott. I expect that he and Kaytrue and I will meet soon to discuss.

Thanks,
Gretchen

Gretchen Morgan Frizzell
Attorney-Advisor · Air & EPCRA Legal Branch
Office of Regional Counsel · EPA Region 4
404.562.8089

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, January 22, 2025 3:02 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>
Subject: Louisville deadline suit

Hi Kaytrue, Gretchen –

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Can one of you remind me what the next milestone is in that case? That case is not currently in abeyance, correct?

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.

Message

From: Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]
Sent: 1/22/2025 11:11:38 PM
To: Gordon, Michael [Gordon.Mike@epa.gov]; Talley, David [Talley.David@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]
CC: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]
Subject: RE: DC DAAD
Attachments: FRN_Washington-DC-MD-VA_2015_Ozone_CDD_DAAD - HQ.docx

Hi Mike,

HQ has finished its review of the DC DAAD. Please see the attached copy for comments/edits. A second version is not requested.

Thanks,
Francis

From: Oggeri, Francis (he/him/his)
Sent: Wednesday, January 15, 2025 10:24 AM
To: Gordon, Michael <Gordon.Mike@epa.gov>; Talley, David <Talley.David@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Subject: RE: DC DAAD

Thank you.

From: Gordon, Michael <Gordon.Mike@epa.gov>
Sent: Wednesday, January 15, 2025 9:57 AM
To: Talley, David <Talley.David@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Subject: RE: DC DAAD

Hi Francis,

No issues with the extension. Thanks for reaching out.

-Mike

Mike Gordon
Ch | Implementation Branch
Ai)ivision
U! ic Region
Pl 39
Email gordon.mike@epa.gov

From: Talley, David <Talley.David@epa.gov>
Sent: Wednesday, January 15, 2025 9:53 AM
To: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>; Gordon, Michael <Gordon.Mike@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Subject: RE: DC DAAD

Hi Francis-
I'm looping in Mike Gordon. My detail is over and he's back at the helm of R3's planning branch.

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: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Sent: Wednesday, January 15, 2025 8:48 AM
To: Talley, David <Talley.David@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Subject: RE: DC DAAD

Good morning, Dave. Due to competing deadlines, the upcoming holiday, and transition priorities, HQ reviewers request an extension of the review deadline to Wednesday, January 22nd. Would R3 be okay with adding a few extra days to this deadline?

Thanks,
Francis

From: Oggeri, Francis (he/him/his)
Sent: Thursday, January 2, 2025 4:11 PM
To: Talley, David <Talley.David@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: DC DAAD

Hi Dave, the 20th should be okay.

Thanks

From: Talley, David <Talley.David@epa.gov>
Sent: Thursday, January 2, 2025 12:55 PM
To: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: RE: DC DAAD

Hi Francis-
We're trying to make the statutory deadline (Feb 3), although I understand that may be a stretch anyhow with the transition. Could we maybe split the difference and agree on 1/20?

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: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Sent: Thursday, January 02, 2025 12:42 PM
To: Talley, David <Talley.David@epa.gov>; Neiswinter, Ian <Neiswinter.Ian@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>
Cc: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>; Mocka, Corey <mocka.corey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Subject: DC DAAD

Good afternoon. We have received R3s submission for the DC DAAD. Are there any time constraints for this review? Key reviewers are still out of the office for the holidays, many returning on the 6th. If possible, can we push this review deadline to the 24th?

Thanks

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

Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 1/23/2025 3:07:01 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: RE: January 2025 ORC/OGC SIP Group Call

Sorry for the delay Dan, but yes we are a go!

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

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, January 22, 2025 5:07 PM
To: Seidman, Emily <seidman.emily@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Sounds good – will look for confirmation from Hali. Rosemary – whether you want to do a summary of the case like we did last time is totally up to you. Otherwise I would just hit the highlights before jumping into lessons learned.

From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Wednesday, January 22, 2025 4:59 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, January 22, 2025 10:33 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

Thoughts?

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 10:24 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Futerman, Andrew (he/him/his) <Futerman.Andrew@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vargas, Aaron

<Vargas.Aaron@epa.gov>; Ogbodo, Ndubisi <Ogbodo.Ndubisi@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Bailey, Ashten <Bailey.Ashten@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Jones-Cobb, Brandon <JonesCobb.Brandon@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Gardner, Allison (she/her/hers) <Gardner.Allison@epa.gov>; Ghose, Debashis <Ghose.Debashis@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Logan, Paul (he/him/his) <Logan.Paul@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; Martinez, Michael <Martinez.Michael.R@epa.gov>; Puplampu, William <puplampu.william@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Walters, Julie <Walters.Julie@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; England, JJ <England.Jj@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Parke, Nicolas <Parke.Nicolas@epa.gov>; Zaharoff, Josh (he/him/his) <Zaharoff.Josh@epa.gov>; Finkle, Jacob (he/him/his) <Finkle.Jacob@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Schluter, Catherine (she/her/hers) <Schluter.Catherine@epa.gov>; Khalsa, Dharma (she/her/hers) <Khalsa.Dharma@epa.gov>; Palumbo, Antonette <Palumbo.Antonette@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Getz, Jamie <Getz.Jamie@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; James, Corin <James.Corin01@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Short, Ashley (she/her/hers) <Short.Ashley@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vetterick, Kate <Vetterick.Kate@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Yip, Emma (she/her/hers) <Yip.Emma@epa.gov>; Rivera, Nina (she/her/hers) <Rivera.Nina@epa.gov>
Cc: Pfister, Maria <Pfister.Maria@epa.gov>; Williams, Danurius <Williams.Danurius@epa.gov>; Gargan, Henry <Gargan.Henry@epa.gov>; McLean, Megan <McLean.Megan@epa.gov>
Subject: January 2025 ORC/OGC SIP Group Call

Happy New Year, all!

Tomorrow is our first ORC/OGC SIP Group call of 2025**! If you have any proposed agenda items for tomorrow's call, please send them to me by COB today.** Apologies for the late ask; the Monday holiday threw me off.

Thank you,
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC

(202) 564-2286 (office & telework)

-----Original Appointment-----
From: Kerr, Hali (she/her/hers)
Sent: Thursday, May 9, 2024 11:15 AM
To: Kerr, Hali (she/her/hers); Greenglass, Nora; Futerman, Andrew (he/him/his); Gallegos, Jacob; Pettit, Elizabeth (Libby); Vargas, Aaron; Ogbodo, Ndubisi; Messing, Aaron; Bailey, Ashten; Bianco, Karen; Bigioni, Neil (he/him/his); Boydston, Michael; Nolbaum, Seth (he/him/his); Bushey, Douglas (he/him/his); Cherry, Randall; Christenson, Kara (she/her/hers); Cobb, Brandon; Curley, Michael; Dain, Gregory; Dugan, Brett; Frizzell, Gretchen (she/her/hers); Gallagher, Shirin; Gardner, Allison (she/her/hers); Ghose, Debashis; Gross, Louise C; HertzWu, Sara; Hoffman, Howard; Hogan, Stephanie (she/her/hers); Logan, Paul (he/him/his); Lueders, Jesse (he/him/his); McHale, Mary; Meyer, Jonathan; Mills, Derek; Mills, Flaire; Meinhardt, Danielle; Nann, Barbara; Nowell, Valerie; Okoye, Winifred; Olszewski, Joshua; Peachey, Robert (he/him/his); Martinez, Michael; Puplampu, William; Sawyer, Bonnie (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Seidman, Emily; Smith, Noah; Andrews, Suzanne (she/her/hers); Snyder, Doug; Talbert, Stephanie; Thrift, Mike; Ting, Kaytrue; Triplett, Eric; Vijayan, Abi; Villatora, Liliana; Volk, Everett; Walters, Julie; Wehling, Jefferson; Weiler, Eaton; Wilcox, Geoffrey; Withey, Charlotte (she/her/hers); Thomas, Donzetta; Kaban, Rosemary; England, JJ; Dru, Jacobine (she/her/hers); Stephens, Ryan; Grubb, Christopher; Perez Ortiz, Yasmin; Goudeau, Charlotte; Weekley, Erin; Garfinkle, Stacey; Parke, Nicolas; Zaharoff, Josh (he/him/his); Finkle, Jacob (he/him/his); Williams, Melina; Schluter, Catherine (she/her/hers); Khalsa, Dharma (she/her/hers); Palumbo, Antonette; Shelton, Stacy (she/her/hers); Villegas, Brooke (she/her/hers); Getz, Jamie; Berchiolli, Justin; James, Corin; Durch, Kyle; Coleman, Leslie (she/her/hers); Short, Ashley (she/her/hers); Smith, Isabella; Vetterick, Kate; Przyborski, Jay; Gerstenberger, Erika (she/her/hers); Cesareo, Gianfranco (he/him/his); Strickland, Samuel; Yip, Emma (she/her/hers); Rivera, Nina (she/her/hers)
Cc: Pfister, Maria; Williams, Danurius; Gargan, Henry; McLean, Megan
Subject: ORC/OGC SIP Group Call
When: Thursday, January 23, 2025 2:00 PM-2:50 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

10/24/24 update: adding and removing folks per requests. If you think you are receiving this invite/cancellation in error, please let me know! Thanks!

* * * * *
Extending the monthly ORC/OGC SIP Group call series through 2024.

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: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 1/23/2025 3:07:05 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Okay, thank you both! I'll get these agenda items out. 😊

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, January 23, 2025 9:03 AM
To: Seidman, Emily <seidman.emily@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Thanks both, I also haven't heard anything on updating the boilerplate, and can include that note as part of the transition topics coverage.

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: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, January 23, 2025 8:05 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

SEOR - Statutory and executive order boiler plate, I assume. OP will have the lead in updating that language. I haven't heard anything on timing; no sure whether Abi has. Perhaps the update that we don't know anything can be included with the transition topics?

Thanks for keeping us updated, Hali!

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 9:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Okay, thanks Abi! I also just got a late request from an R9 ORC for any info on "updates to the SEOR boilerplate in rulemaking notices, or when we might expect to see that." Not sure what SEOR is...

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, January 22, 2025 5:47 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Hi Hali,

I can (briefly, so briefly given we ourselves don't have a ton of intel) touch on the requested transition topics.

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: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 5:05 PM
To: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Sounds great, Emily. Dropping the rest of the transport team for now.

Ex. 5 AC/AWP/DP

Any thoughts on this, and whether to have an actual agenda item on it? I assume we'll get the question either way.

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

Controlled by U.S. Environmental Protection Agency

From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Wednesday, January 22, 2025 4:59 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, January 22, 2025 10:33 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

Thoughts?

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 10:24 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Futerman, Andrew (he/him/his) <Futerman.Andrew@epa.gov>;

Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Ogbodo, Ndubisi <Ogbodo.Ndubisi@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Bailey, Ashten <Bailey.Ashten@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Jones-Cobb, Brandon <JonesCobb.Brandon@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Gardner, Allison (she/her/hers) <Gardner.Allison@epa.gov>; Ghose, Debashis <Ghose.Debashis@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Logan, Paul (he/him/his) <Logan.Paul@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; Martinez, Michael <Martinez.Michael.R@epa.gov>; Puplampu, William <puplampu.william@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Walters, Julie <Walters.Julie@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; England, JJ <England.Jj@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Parke, Nicolas <Parke.Nicolas@epa.gov>; Zaharoff, Josh (he/him/his) <Zaharoff.Josh@epa.gov>; Finkle, Jacob (he/him/his) <Finkle.Jacob@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Schluter, Catherine (she/her/hers) <Schluter.Catherine@epa.gov>; Khalsa, Dharma (she/her/hers) <Khalsa.Dharma@epa.gov>; Palumbo, Antonette <Palumbo.Antonette@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Getz, Jamie <Getz.Jamie@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; James, Corin <James.Corin01@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Short, Ashley (she/her/hers) <Short.Ashley@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vetterick, Kate <Vetterick.Kate@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Yip, Emma (she/her/hers) <Yip.Emma@epa.gov>; Rivera, Nina (she/her/hers) <Rivera.Nina@epa.gov>
Cc: Pfister, Maria <Pfister.Maria@epa.gov>; Williams, Danurius <Williams.Danurius@epa.gov>; Gargan, Henry <Gargan.Henry@epa.gov>; McLean, Megan <McLean.Megan@epa.gov>
Subject: January 2025 ORC/OGC SIP Group Call

Happy New Year, all!

Tomorrow is our first ORC/OGC SIP Group call of 2025**! If you have any proposed agenda items for tomorrow's call, please send them to me by COB today.** Apologies for the late ask; the Monday holiday threw me off.

Thank you,
Hali

Hali Kerr (she/hers)

Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

-----Original Appointment-----
From: Kerr, Hali (she/her/hers)
Sent: Thursday, May 9, 2024 11:15 AM
To: Kerr, Hali (she/her/hers); Greenglass, Nora; Futerman, Andrew (he/him/his); Gallegos, Jacob; Pettit, Elizabeth (Libby); Vargas, Aaron; Ogbodo, Ndubisi; Messing, Aaron; Bailey, Ashten; Bianco, Karen; Bigioni, Neil (he/him/his); Boydston, Michael; Nolbaum, Seth (he/him/his); Bushey, Douglas (he/him/his); Cherry, Randall; Christenson, Kara (she/her/hers); Cobb, Brandon; Curley, Michael; Dain, Gregory; Dugan, Brett; Frizzell, Gretchen (she/her/hers); Gallagher, Shirin; Gardner, Allison (she/her/hers); Ghose, Debashis; Gross, Louise C; HertzWu, Sara; Hoffman, Howard; Hogan, Stephanie (she/her/hers); Logan, Paul (he/him/his); Lueders, Jesse (he/him/his); McHale, Mary; Meyer, Jonathan; Mills, Derek; Mills, Flaire; Meinhardt, Danielle; Nann, Barbara; Nowell, Valerie; Okoye, Winifred; Olszewski, Joshua; Peachey, Robert (he/him/his); Martinez, Michael; Puplampu, William; Sawyer, Bonnie (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Seidman, Emily; Smith, Noah; Andrews, Suzanne (she/her/hers); Snyder, Doug; Talbert, Stephanie; Thrift, Mike; Ting, Kaytrue; Triplett, Eric; Vijayan, Abi; Villatora, Liliana; Volk, Everett; Walters, Julie; Wehling, Jefferson; Weiler, Eaton; Wilcox, Geoffrey; Withey, Charlotte (she/her/hers); Thomas, Donzetta; Kaban, Rosemary; England, JJ; Dru, Jacobine (she/her/hers); Stephens, Ryan; Grubb, Christopher; Perez Ortiz, Yasmin; Goudeau, Charlotte; Weekley, Erin; Garfinkle, Stacey; Parke, Nicolas; Zaharoff, Josh (he/him/his); Finkle, Jacob (he/him/his); Williams, Melina; Schluter, Catherine (she/her/hers); Khalsa, Dharma (she/her/hers); Palumbo, Antonette; Shelton, Stacy (she/her/hers); Villegas, Brooke (she/her/hers); Getz, Jamie; Berchiolli, Justin; James, Corin; Durch, Kyle; Coleman, Leslie (she/her/hers); Short, Ashley (she/her/hers); Smith, Isabella; Vetterick, Kate; Przyborski, Jay; Gerstenberger, Erika (she/her/hers); Cesareo, Gianfranco (he/him/his); Strickland, Samuel; Yip, Emma (she/her/hers); Rivera, Nina (she/her/hers)
Cc: Pfister, Maria; Williams, Danurius; Gargan, Henry; McLean, Megan
Subject: ORC/OGC SIP Group Call
When: Thursday, January 23, 2025 2:00 PM-2:50 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

10/24/24 update: adding and removing folks per requests. If you think you are receiving this invite/cancellation in error, please let me know! Thanks!

* * * * *
Extending the monthly ORC/OGC SIP Group call series through 2024.

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Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Message

From: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Sent: 1/23/2025 3:09:05 PM
To: Greenglass, Nora [Greenglass.Nora@epa.gov]; Futerman, Andrew (he/him/his) [Futerman.Andrew@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Messing, Aaron [messing.aaron@epa.gov]; Bailey, Ashten [Bailey.Ashten@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Bushey, Douglas (he/him/his) [bushey.douglas@epa.gov]; Cherry, Randall [Cherry.Randall@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Jones-Cobb, Brandon [JonesCobb.Brandon@epa.gov]; Curley, Michael [Curley.Michael@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; Dugan, Brett [Dugan.Brett@epa.gov]; Frizzell, Gretchen [Frizzell.Gretchen@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Gardner, Allison (she/her/hers) [Gardner.Allison@epa.gov]; Ghose, Debashis [Ghose.Debashis@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Logan, Paul (he/him/his) [Logan.Paul@epa.gov]; Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; Meyer, Jonathan [Meyer.Jonathan@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Okoye, Winifred [Okoye.Winifred@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Peachey, Robert [peachey.robert@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Andrews, Suzanne (she/her/hers) [Andrews.Suzanne@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Walters, Julie [Walters.Julie@epa.gov]; Wehling, Jefferson [Wehling.Jefferson@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Thomas, Donzetta [Thomas.Donzetta@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; England, JJ [England.Jj@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Grubb, Christopher [Grubb.Christopher@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Zaharoff, Josh (he/him/his) [Zaharoff.Josh@epa.gov]; Finkle, Jacob (he/him/his) [Finkle.Jacob@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Schluter, Catherine (she/her/hers) [Schluter.Catherine@epa.gov]; Khalsa, Dharma (she/her/hers) [Khalsa.Dharma@epa.gov]; Palumbo, Antonette [Palumbo.Antonette@epa.gov]; Shelton, Stacy (she/her/hers) [Shelton.Stacy@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Getz, Jamie [Getz.Jamie@epa.gov]; Berchiolli, Justin [Berchiolli.Justin@epa.gov]; James, Corin [James.Corin01@epa.gov]; Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]; Coleman, Leslie (she/her/hers) [Coleman.Leslie@epa.gov]; Short, Ashley (she/her/hers) [Short.Ashley@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vetterick, Kate [Vetterick.Kate@epa.gov]; Przyborski, Jay [Przyborski.Jay@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Strickland, Samuel [Strickland.Samuel@epa.gov]; Yip, Emma (she/her/hers) [Yip.Emma@epa.gov]; Rivera, Nina (she/her/hers) [Rivera.Nina@epa.gov]
CC: Pfister, Maria [Pfister.Maria@epa.gov]; Williams, Danurius [Williams.Danurius@epa.gov]; Gargan, Henry [Gargan.Henry@epa.gov]; McLean, Megan [McLean.Megan@epa.gov]
Subject: RE: January 2025 ORC/OGC SIP Group Call

Hello all,

Thanks to those who suggested topics! Here is our agenda for today:

- Roll call, litigation updates
- Transition updates

Ex. 5 AC/AWP/DP

See everyone at 2 pm ET!
Hali

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

From: Kerr, Hali (she/her/hers)
Sent: Wednesday, January 22, 2025 10:24 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Futerman, Andrew (he/him/his) <Futerman.Andrew@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Ogbodo, Ndubisi <Ogbodo.Ndubisi@epa.gov>; Messing, Aaron <Messing.Aaron@epa.gov>; Bailey, Ashten <Bailey.Ashten@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Gardner, Allison (she/her/hers) <Gardner.Allison@epa.gov>; Ghose, Debashis <Ghose.Debashis@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Logan, Paul (he/him/his) <Logan.Paul@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; Martinez, Michael <Martinez.Michael.R@epa.gov>; Puplampu, William <puplampu.william@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Walters, Julie <Walters.Julie@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; England, JJ <England.Jj@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Parke, Nicolas <Parke.Nicolas@epa.gov>; Zaharoff, Josh (he/him/his) <Zaharoff.Josh@epa.gov>; Finkle, Jacob (he/him/his) <Finkle.Jacob@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Schluter, Catherine (she/her/hers) <Schluter.Catherine@epa.gov>; Khalsa, Dharma (she/her/hers) <Khalsa.Dharma@epa.gov>; Palumbo, Antonette <Palumbo.Antonette@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Getz, Jamie <Getz.Jamie@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; James, Corin <James.Corin01@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Short, Ashley (she/her/hers) <Short.Ashley@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vetterick, Kate <Vetterick.Kate@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Cesareo, Gianfranco

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Subject: January 2025 ORC/OGC SIP Group Call

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Cc: Pfister, Maria; Williams, Danurius; Gargan, Henry; McLean, Megan
Subject: ORC/OGC SIP Group Call
When: Thursday, January 23, 2025 2:00 PM-2:50 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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* * * * *
Extending the monthly ORC/OGC SIP Group call series through 2024.

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Message

From: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]
Sent: 1/23/2025 4:54:26 PM
To: Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; James, Corin [James.Corin01@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Ling, Michael [Ling.Michael@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20
Attachments: 06 RACT 3 MS 2015 03 Std TSD EQB 8-9-2022.pdf; 07 RACT 3 MS 2015 03 Std TSD Appendices EQB 8-9-2022.pdf

Good morning, Portal friends –

I wanted to share some initial high-level observations on the PA 2015 ozone presumptive RACT ("RACT III") proposal under Portal review, due 1/30.

- Portal review documents:
  - NPRM: NPRM_PA_2015_O3_Presumptive RACT - HQ.docx
  - R3 TSD: EPA TSD_PA_2015 O3 Presumptive RACT - HQ.docx

- PA's TSD and appendices are attached for reference.

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks all,

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

From: Lingard, Robert (he/him/his)
Sent: Tuesday, January 21, 2025 3:18 PM
To: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; James, Corin <James.Corin01@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Ling, Michael <Ling.Michael@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Good afternoon – I requested these state TSD materials that are referenced in Region 3's draft TSD that we're reviewing (attached).

Bob

From: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Sent: Wednesday, January 15, 2025 12:10 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; James, Corin <James.Corin01@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Brashear, Angelina (she/her/hers) <Brashear.Angelina@epa.gov>; Ling, Michael <Ling.Michael@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Good afternoon. R3 has approved the deadline extension request. The new review deadline is 1/31.

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Tuesday, January 14, 2025 9:40 AM
To: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; James, Corin <James.Corin01@epa.gov>; Bianco, Karen <Bianco.Karen@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Please request Thu 1/30, citing the intervening holiday and competing priorities including transition. Thanks!

From: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>
Sent: Tuesday, January 14, 2025 9:40 AM
To: Mills, Derek <Mills.Derek@epa.gov>; Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; James, Corin <James.Corin01@epa.gov>; Bianco, Karen <Bianco.Karen@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

I'll go ahead and request and additional week from R3.

From: Mills, Derek <Mills.Derek@epa.gov>
Sent: Tuesday, January 14, 2025 9:35 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; James, Corin <James.Corin01@epa.gov>; Bianco, Karen <Bianco.Karen@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Bob – I was just about to email you to ask about getting more time. I'm getting side-tracked a lot already this week with papers, scrambles, and fire drills related to the transition. I could definitely use an extra week if not a bit more. Monday is a holiday and I'm out on leave on Tuesday. Thanks!

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

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Tuesday, January 14, 2025 9:31 AM
To: Oggeri, Francis (he/him/his) <oggeri.francis@epa.gov>; James, Corin <James.Corin01@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Bianco, Karen <Bianco.Karen@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Hi Team –

I'm making my way through the NPRM and TSD and can say with certainty that we'll need more time to review and discuss. I'd suggest an extra week at this point (Mon 1/27).

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, January 14, 2025 9:28 AM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; James, Corin <James.Corin01@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Bianco, Karen <Bianco.Karen@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Good morning. This is a friendly reminder that the PA RACT portal review is next Monday, 1/20. Monday is also a holiday. If possible, please have reviews completed by COB Friday. If additional time is needed or pass back needs to occur on the 21st please let me know so I can coordinate with R3.

From: Oggeri, Francis (he/him/his)
Sent: Wednesday, December 18, 2024 3:05 PM
To: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>; James, Corin <James.Corin01@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Bianco, Karen <Bianco.Karen@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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

Ex. 5 AC/DP

Ex. 5 AC/DP R3 is requesting a **1/20/2025** review deadline. Please let me know if you can work with this deadline.

Thanks,

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: Wednesday, December 18, 2024 2:31 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>; 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: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS Due 2025-01-20

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 "Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS " has been submitted by Region 03 to the HQ SIP Portal. Please visit the link below to view the item:

Ex. 6 Personal Privacy (PP)

Title: Air Plan Approval; Pennsylvania; Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS
State: PA
Region: 03
Standard: Ozone (2015)
Area: Statewide
Document Category: Control Measure-RACT
Date Submitted to HQ: 2024-12-18
HQ Due Date: 2025-01-20
Reason for Review: National Consistency
Requested Review Office: OAQPS & OGC
Region Comments:
Regional Manager(s): Talley, David;
Regional Staff Lead(s): Schmitt, Ellen (she/her/hers);
ORC Staff Lead(s): Snyder, Doug;
OAQPS Staff Involved: Lingard, Robert (he/him/his);
OGC Staff Involved: Mills, Derek;
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: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 1/23/2025 9:10:32 PM
To: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Greenglass, Nora [Greenglass.Nora@epa.gov]; Futerman, Andrew (he/him/his) [Futerman.Andrew@epa.gov]; Gallegos, Jacob [Gallegos.Jacob@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Ogbodo, Ndubisi [Ogbodo.Ndubisi@epa.gov]; Messing, Aaron [messing.aaron@epa.gov]; Bailey, Ashten [Bailey.Ashten@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Bigioni, Neil (he/him/his) [bigioni.neil@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]; Bushey, Douglas (he/him/his) [bushey.douglas@epa.gov]; Cherry, Randall [Cherry.Randall@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Jones-Cobb, Brandon [JonesCobb.Brandon@epa.gov]; Curley, Michael [Curley.Michael@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; Dugan, Brett [Dugan.Brett@epa.gov]; Frizzell, Gretchen [Frizzell.Gretchen@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Gardner, Allison (she/her/hers) [Gardner.Allison@epa.gov]; Ghose, Debashis [Ghose.Debashis@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; HertzWu, Sara [HertzWu.Sara@epa.gov]; Hoffman, Howard [hoffman.howard@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]; Logan, Paul (he/him/his) [Logan.Paul@epa.gov]; Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; Meyer, Jonathan [Meyer.Jonathan@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Mills, Flaire [Mills.Flaire@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Nann, Barbara [nann.barbara@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Okoye, Winifred [Okoye.Winifred@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Peachey, Robert [peachey.robert@epa.gov]; Martinez, Michael [Martinez.Michael.R@epa.gov]; Puplampu, William [puplampu.william@epa.gov]; Sawyer, Bonnie (she/her/hers) [Sawyer.Bonnie@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]; Smith, Noah [SMITH.NOAH@EPA.GOV]; Andrews, Suzanne (she/her/hers) [Andrews.Suzanne@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Triplett, Eric [Triplett.Eric@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Walters, Julie [Walters.Julie@epa.gov]; Wehling, Jefferson [Wehling.Jefferson@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Thomas, Donzetta [Thomas.Donzetta@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]; England, JJ [England.Jj@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Grubb, Christopher [Grubb.Christopher@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Goudeau, Charlotte [Goudeau.Charlotte@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]; Garfinkle, Stacey [garfinkle.stacey@epa.gov]; Parke, Nicolas [Parke.Nicolas@epa.gov]; Zaharoff, Josh (he/him/his) [Zaharoff.Josh@epa.gov]; Finkle, Jacob (he/him/his) [Finkle.Jacob@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Schluter, Catherine (she/her/hers) [Schluter.Catherine@epa.gov]; Khalsa, Dharma (she/her/hers) [Khalsa.Dharma@epa.gov]; Palumbo, Antonette [Palumbo.Antonette@epa.gov]; Shelton, Stacy (she/her/hers) [Shelton.Stacy@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Getz, Jamie [Getz.Jamie@epa.gov]; Berchiolli, Justin [Berchiolli.Justin@epa.gov]; James, Corin [James.Corin01@epa.gov]; Durch, Kyle (he/him/his) [Durch.Kyle@epa.gov]; Coleman, Leslie (she/her/hers) [Coleman.Leslie@epa.gov]; Short, Ashley (she/her/hers) [Short.Ashley@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vetterick, Kate [Vetterick.Kate@epa.gov]; Przyborski, Jay [Przyborski.Jay@epa.gov]; Gerstenberger, Erika (she/her/hers) [Gerstenberger.Erika@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Strickland, Samuel [Strickland.Samuel@epa.gov]; Yip, Emma (she/her/hers) [Yip.Emma@epa.gov]; Rivera, Nina (she/her/hers) [Rivera.Nina@epa.gov]
CC: Pfister, Maria [Pfister.Maria@epa.gov]; Williams, Danurius [Williams.Danurius@epa.gov]; Gargan, Henry [Gargan.Henry@epa.gov]; McLean, Megan [McLean.Megan@epa.gov]
Subject: RE: ORC/OGC SIP Group Call
Attachments: Kentucky v. United States EPA, 2024 U.S. App. LEXIS 30917.pdf

CUI//PRIVILEGE

All, circulating the opinion we discussed today. 123 F.4th 447 (6th Cir. 2024). As noted, an appeal decision is pending.

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

-----Original Appointment-----
From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, May 9, 2024 11:16 AM
To: Kerr, Hali (she/her/hers); Kerr, Hali (she/her/hers); Greenglass, Nora; Futerman, Andrew (he/him/his); Gallegos, Jacob; Pettit, Elizabeth (Libby); Vargas, Aaron; Ogbodo, Ndubisi; Messing, Aaron; Bailey, Ashten; Bianco, Karen; Bigioni, Neil (he/him/his); Boydston, Michael; Nolbaum, Seth (he/him/his); Bushey, Douglas (he/him/his); Cherry, Randall; Christenson, Kara (she/her/hers); Cobb, Brandon; Curley, Michael; Dain, Gregory; Dugan, Brett; Frizzell, Gretchen; Gallagher, Shirin; Gardner, Allison (she/her/hers); Ghose, Debashis; Gross, Louise C; HertzWu, Sara; Hoffman, Howard; Hogan, Stephanie (she/her/hers); Logan, Paul (he/him/his); Lueders, Jesse (he/him/his); McHale, Mary; Meyer, Jonathan; Mills, Derek; Mills, Flaire; Meinhardt, Danielle; Nann, Barbara; Nowell, Valerie; Okoye, Winifred; Olszewski, Joshua; Peachey, Robert; Martinez, Michael; Puplampu, William; Sawyer, Bonnie (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Seidman, Emily; Smith, Noah; Andrews, Suzanne (she/her/hers); Snyder, Doug; Talbert, Stephanie; Thrift, Mike; Ting, Kaytrue; Triplett, Eric; Vijayan, Abi; Villatora, Liliana; Volk, Everett; Walters, Julie; Wehling, Jefferson; Weiler, Eaton; Wilcox, Geoffrey; Withey, Charlotte (she/her/hers); Thomas, Donzetta; Kaban, Rosemary; England, JJ; Dru, Jacobine (she/her/hers); Stephens, Ryan; Grubb, Christopher; Perez Ortiz, Yasmin; Goudeau, Charlotte; Weekley, Erin; Garfinkle, Stacey; Parke, Nicolas; Zaharoff, Josh (he/him/his); Finkle, Jacob (he/him/his); Williams, Melina; Schluter, Catherine (she/her/hers); Khalsa, Dharma (she/her/hers); Palumbo, Antonette; Shelton, Stacy (she/her/hers); Villegas, Brooke (she/her/hers); Getz, Jamie; Berchiolli, Justin; James, Corin; Durch, Kyle (he/him/his); Coleman, Leslie (she/her/hers); Short, Ashley (she/her/hers); Smith, Isabella; Vetterick, Kate; Przyborski, Jay; Gerstenberger, Erika (she/her/hers); Cesareo, Gianfranco (he/him/his); Strickland, Samuel; Yip, Emma (she/her/hers); Rivera, Nina (she/her/hers)
Cc: Pfister, Maria; Williams, Danurius; Gargan, Henry; McLean, Megan
Subject: ORC/OGC SIP Group Call
When: Thursday, January 23, 2025 2:00 PM-2:50 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Extending the monthly ORC/OGC SIP Group call series through 2024.

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: James, Corin [James.Corin01@epa.gov]
Sent: 1/28/2025 3:34:33 PM
To: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: Update to Delegation of Authority 7-10
Attachments: Revisions to SIPs 1975.pdf; SIP Improvement Work Group Report April 1995.pdf

Ex. 5 AC/DP

Do you have thoughts? Would it be worth asking Stephen to set up a quick call with us plus him and Dylan to discuss briefly?

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Tuesday, January 28, 2025 9:47 AM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

Stephen

From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, January 28, 2025 9:25 AM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, January 27, 2025 4:52 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

Stephen

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, January 27, 2025 4:27 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Okay so my email below from May 10 should be good for that then?

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, January 27, 2025 3:59 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

Thanks,

Stephen

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, January 27, 2025 3:23 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Friday, January 24, 2025 10:33 AM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

Thanks,

Stephen

From: James, Corin <James.Corin01@epa.gov>
Sent: Wednesday, May 15, 2024 1:16 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Hi Stephen, it may be helpful to have a quick call so I can understand the thinking on this. I'll set up some time.

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Monday, May 13, 2024 1:59 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Ex. 5 AC/DP

Happy to jump on a call if you have any questions. And sorry for my mistake!

Stephen

From: James, Corin <James.Corin01@epa.gov>
Sent: Friday, May 10, 2024 4:30 PM
To: Senter, Stephen <Senter.Stephen@epa.gov>
Subject: RE: Update to Delegation of Authority 7-10

Hi Stephen,

Ex. 5 AC/DP

Thanks,
Corin

Corin James
Attorney-Adviser
EPA Office of General Counsel
Air and Radiation Law Office

From: Senter, Stephen <Senter.Stephen@epa.gov>
Sent: Thursday, May 2, 2024 2:36 PM
To: James, Corin <James.Corin01@epa.gov>
Subject: Update to Delegation of Authority 7-10

Hi Corin,

Ex. 5 AC/DP

Thanks!

Stephen

Message

From: McEathron, Kimberly (she/her/hers) [McEathron.Kimberly@epa.gov]
Sent: 1/28/2025 6:55:13 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Laurita, Matthew [Laurita.Matthew@epa.gov]; Castro, Marina (she/her/hers) [Castro.Marina@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: Regional Actions with Open Comment Periods
Attachments: RE: extension of comment period

Good Afternoon Gautam,

As you requested, below is a list of 6 proposed regional actions with open comments periods ending 1/27 or 1/29 that I believe were what OP was referring to in their email (see attached emails) Ex. 5 AC/DP Ex. 5 AC/DP Let me know if you have any other questions.

Regional Actions with Open Public Comment Periods (pulled 1/23/2025 from regulations.gov)		
Region	**Action Name**	**Comment Details**
2	Approval of Source-Specific Air Quality Implementation Plan; New York; Lehigh Cement Company LLC	Comments must be received on or before January 27, 2025, https://www.regulations.gov/document/EPA-R02-OAR-2023-0242-0007
3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Ozone Season Emissions Caps for Non-Trading Large Nitrogen Oxides Units; Amendments	Comment Period Ends: Jan 27, 2025 at 11:59 PM EST, EPA-R03-OAR-2024-0016-0010, https://www.regulations.gov/document/EPA-R03-OAR-2024-0512-0001
4	Air Plan Approval; Florida; Second Planning Period Regional Haze Plan	Written comments must be received on or before January 27, 2025, https://www.regulations.gov/document/EPA-R04-OAR-2021-0930-0063
5	Ohio Title V Operating Permit Program	Comment due date: January 29, 2025. EPA-R05-OAR-2024-0282)
5	Ohio 3745-23 Nitrogen Oxide Standards revisions	Comments due date: 1/29/2025. (EPA-R05-OAR-2024-0529)
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; Bay Area Air Quality Management District; Extension of Comment Period	Comment due date: 1/29/2025, https://www.regulations.gov/document/EPA-R09-OAR-2024-0417-0009

Thanks,

Kim

Kimberly McEathron *(she/her)* pronunciation
OAR Lead Region Coordinator (FY24-25)
US EPA Region 2
Air & Radiation Division
290 Broadway, New York, NY 10007
Office: (212) 637-4228

Work Cell: (631) 565-9391

Regional Air Program Contacts

OAR Lead Region News: Subscribe or Unsubscribe

From: McEathron, Kimberly (she/her/hers)
Sent: Thursday, January 23, 2025 1:30 PM
To: Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>
Cc: Laurita, Matthew <Laurita.Matthew@epa.gov>; Castro, Marina (she/her/hers) <Castro.Marina@epa.gov>
Subject: RE: REQUEST for Info on Open Comment Periods (by 2pm today)

Good Afternoon Jessie,

As requested, below is a list of regional actions currently open for public comment. All listed below are on regulations.gov so I've included the link (we checked other locations as well for permits and transportation conformity actions out for public comment but found no additional actions). Note that some of these actions have been impacted by the regulatory freeze.

Thanks,

Kim

Regional Actions with Open Public Comment Periods (pulled 1/23/2025 from regulations.gov)		
Region	**Action Name**	**Comment Details**
2	Approval of Source-Specific Air Quality Implementation Plan; New York; Lehigh Cement Company LLC	Comments must be received on or before January 27, 2025, https://www.regulations.gov/document/EPA-R02-OAR-2023-0242-0007
3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Ozone Season Emissions Caps for Non-Trading Large Nitrogen Oxides Units; Amendments	Comment Period Ends: Jan 27, 2025 at 11:59 PM EST, EPA-R03-OAR-2024-0016-0010, https://www.regulations.gov/document/EPA-R03-OAR-2024-0512-0001
3	Air Plan Disapproval; West Virginia; Regional Haze State Implementation Plan for the Second Implementation Period	Comment Period Ends: Feb 20, 2025 at 11:59 PM EST. EPA-R03-OAR-2024-0625, https://www.regulations.gov/document/EPA-R03-OAR-2024-0625-0001
4	Air Plan Approval; Florida; Second Planning Period Regional Haze Plan	Written comments must be received on or before January 27, 2025, https://www.regulations.gov/document/EPA-R04-OAR-2021-0930-0063
4	Air Quality Designations; KY; Redesignation of the Kentucky Portion of the Louisville, KY-IN 2015 8-Hour Ozone Nonattainment Area to Attainment	Comments must be received on or before February 3, 2025, https://www.regulations.gov/document/EPA-R04-OAR-2022-0789-0014
4	Air Plan Partial Approval and Partial Disapproval; South Carolina; Minor Source Permit Program Revisions	Comment Due date: February 20, 2025. EPA-R04-OAR-2024-0241)

5	Ohio Title V Operating Permit Program	Comment due date: January 29, 2025. EPA-R05-OAR-2024-0282)
5	Ohio 3745-23 Nitrogen Oxide Standards revisions	Comments due date: 1/29/2025. (EPA-R05-OAR-2024-0529)
5	Proposed approval of the Cleveland, Ohio Moderate 2015 Ozone Attainment Demonstration	Comment due date: February 3, 2025. EPA-R05-OAR-2022-0983, https://www.regulations.gov/document/EPA-R05-OAR-2022-0983-0001
6	OK045.01 State Plans for Designated Facilities and Pollutants; Approvals and Promulgations: Oklahoma; Control of Emissions From Existing Municipal Solid Waste Landfills, Proposed rule.	Comment due date: 2/18/2025. https://www.regulations.gov/document/EPA-R06-OAR-2024-0232-0001
7	Air Plan Approval; Kansas; Annual Emission Inventory and Fees	Comments must be received on or before February 14, 2025, https://www.regulations.gov/document/EPA-R07-OAR-2023-0462-0001
8	Thunder Butte Petroleum Services, Inc. - Crude Oil Storage and Transfer Facility – Minor NSR Permit	Comment Period End date is 5pm MT, February 18, 2025. Docket #EPA-R08-OAR-2024-0040
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; Mojave Desert Air Quality Management District; Determination to Defer Sanctions	Comment due date: January 27, 2025. https://www.regulations.gov/document/EPA-R09-OAR-2024-0563-0002
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; Bay Area Air Quality Management District	Comment due date: Jan 29, 2025, https://www.regulations.gov/document/EPA-R09-OAR-2024-0417-0001
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; Interim Final Determination to Stay or Defer Sanctions in the San Joaquin Valley Unified Air Pollution Control District	Comment due date: Feb 20, 2025, https://www.regulations.gov/document/EPA-R09-OAR-2024-0627-0001
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; San Joaquin Valley Unified Air Pollution Control District; Stationary Source Permits	Comment due date: Feb 20, 2025, https://www.regulations.gov/document/EPA-R09-OAR-2024-0627-0002
9	Air Quality State Implementation Plans; Approvals and Promulgations: Arizona; Arizona Department of Environmental Quality	Comment due date: Feb 18, 2025, https://www.regulations.gov/document/EPA-R09-OAR-2024-0600-0001
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; Bay Area Air Quality Management District; Extension of Comment Period	Comment due date: 1/29/2025, https://www.regulations.gov/document/EPA-R09-OAR-2024-0417-0009
9	Air Quality State Implementation Plans; Approvals and Promulgations: California; Regional Haze State Implementation Plan for the Second Implementation Period	Comment due date: 2/3/2025. https://www.regulations.gov/document/EPA-R09-OAR-2024-0459-0001
10	AK, Fairbanks North Star Borough; 2006 24-Hour PM2.5 Serious Area and 189(d) Plan	Comments. Written comments must be received on or before February 7, 2025.

		https://www.regulations.gov/document/EPA-R10-OAR-2024-0595-0002

Kimberly McEathron *(she/her)* pronunciation
OAR Lead Region Coordinator (FY24-25)
US EPA Region 2
Air & Radiation Division
290 Broadway, New York, NY 10007
Office: (212) 637-4228
Work Cell: (631) 565-9391

Regional Air Program Contacts

OAR Lead Region News: Subscribe or Unsubscribe

From: Fan, Jessie (she/her/hers) <Fan.Jessie@epa.gov>
Sent: Thursday, January 23, 2025 10:15 AM
To: Petuya, Lauren <Petuya.Lauren@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Lee, Raymond (he/him/his) <Lee.Raymond@epa.gov>; Herbolsheimer, Courtney <herbolsheimer.courtney@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Steele, Mikayla <Steele.Mikayla@epa.gov>; Gardarsdottir-Middleton, Thora <GardarsdottirMiddleton.Thora@epa.gov>; Powers, Garrett (he/him/his) <Powers.Garrett@epa.gov>; McEathron, Kimberly (she/her/hers) <McEathron.Kimberly@epa.gov>
Subject: RE: REQUEST for Info on Open Comment Periods (by 2pm today)

+ Kim for the regions

Best,
Jessie

From: Fan, Jessie (she/her/hers)
Sent: Thursday, January 23, 2025 10:14 AM
To: Petuya, Lauren <Petuya.Lauren@epa.gov>; Iglesias, Amber <Iglesias.Amber@epa.gov>; Lee, Raymond (he/him/his) <Lee.Raymond@epa.gov>; Herbolsheimer, Courtney <herbolsheimer.courtney@epa.gov>; Phillips, Tuana (she/her/hers) <phillips.tuana@epa.gov>; Steele, Mikayla <Steele.Mikayla@epa.gov>; Gardarsdottir-Middleton, Thora <GardarsdottirMiddleton.Thora@epa.gov>; Powers, Garrett (he/him/his) <Powers.Garrett@epa.gov>
Subject: REQUEST for Info on Open Comment Periods (by 2pm today)
Importance: High

Hi all,

Apologies in advance for the quick turnaround, but can you please let us know if your office has any open comment periods for regulatory or other actions? The OAR leadership team needs this info by 2pm today.

Thanks!
Jessie

Jessie Fan (she/her)
Special Assistant
Office of Air and Radiation
U.S. Environmental Protection Agency
202-641-4072

Message

From: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Sent: 1/29/2025 4:05:57 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: McLean, Megan [McLean.Megan@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: RE: ISO the presentation on EEs
Attachments: 2024 EER Legal Overview Training Presentation.pptx

CUI//PRIVILEGE

Hi all –

Please see attached the EE presentation. The slides are very detailed, and I think they include enough information to help you understand EE and its implications.

Feel free to contact us if you have any questions. You can find the EE rule here.

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, January 28, 2025 8:10 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: McLean, Megan <McLean.Megan@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: ISO the presentation on EEs

CUI//PRIVILEGE

Y:

When I started asking clueless questions about the current state of the so called “exceptional events rule” and how it works nowadays, Abi reminded me that you and Libby had put on a presentation about this topic a while back.

Could you please share the materials from that presentation with me (again?).

Also, when Libby gets back, I think it would be great if you and Libby could do another remedial class on this for all of us.

It is going to be a big component of the designations project.

G

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Message

From: James, Corin [James.Corin01@epa.gov]
Sent: 1/30/2025 3:05:37 PM
To: Azeizat, Rachel (she/her/hers) [Azeizat.Rachel@epa.gov]; Cesareo, Gianfranco (he/him/his) [Cesareo.Gianfranco@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: OH MRR Question
Attachments: GA RH final approval Nov 2024.pdf

CUI//PRIVILEGE

(dropping Geoff to save his time)

Ex. 5 AC/DP

Happy to set up the call or defer to you – Abi asked to include her and Emily as optional.

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From: Azeizat, Rachel (she/her/hers) <Azeizat.Rachel@epa.gov>
Sent: Wednesday, January 29, 2025 2:45 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; James, Corin <James.Corin01@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>

Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: OH MRR Question

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Emily, feel free to add anything!

-

Rachel Azeizat [HEAR MY NAME]
U.S. Environmental Protection Agency
Office of General Counsel | Air & Radiation Law Office
WJCN 7013C | (202) 564-1053

Pronouns: She/Her/Hers

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Appointment

From: Feldman, Michael [Feldman.Michael@epa.gov]
Sent: 1/30/2025 5:14:06 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali [Kerr.Hali@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke [Villegas.Brooke@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Snyder, Erik [snyder.erik@epa.gov]; Thomas, Ronald [Thomas.Ronald@epa.gov]; Brashear, Angelina [Brashear.Angelina@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]; Schoellkopf, Lynde [Schoellkopf.Lynde@epa.gov]; Mataway-Novak, Dylan [Mataway-Novak.Dylan@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Cesareo, Gianfranco [Cesareo.Gianfranco@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Porter, Matthew [Porter.Matthew@epa.gov]; Nolbaum, Seth [Nolbaum.Seth@epa.gov]; Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Bridgers, George [Bridgers.George@epa.gov]; Fox, Tyler [Fox.Tyler@epa.gov]; Lawrence, Sydney [lawrence.sydney@epa.gov]

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

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

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

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

Rescheduling again due to OGC conflict.

Rescheduling due to OAQPS all-staff meeting

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

Ex. 5 AC/DP

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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: Williams, Melina [Williams.Melina@epa.gov]
Sent: 1/31/2025 4:45:22 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
CC: Vijayan, Abi [Vijayan.Abi@epa.gov]
Subject: FW: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks,
Melina

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

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From: Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>
Sent: Wednesday, January 29, 2025 4:37 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Thanks so much for your quick response, Kaytrue. Adding Melina.

Melina, hope to discuss the 3rd question below with you.

Thanks,
Gretchen

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From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Wednesday, January 29, 2025 3:41 PM
To: Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Hi Gretchen,

I think your responses are spot on. I can talk anytime tomorrow before 10:30 AM.

Ex. 5 AC/DP

Kaytrue

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From: Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>
Sent: Wednesday, January 29, 2025 3:23 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Hi, Kaytrue—

Ex. 5 AC/DP

Ex. 5 AC/DP

I'm not even sure I understand this question and am hoping you (and/or Melina?) might have some insight.

Thanks much,
Gretchen

Gretchen Morgan Frizzell
404.562.8089

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From: Frizzell, Gretchen (she/her/hers)
Sent: Monday, January 6, 2025 4:01 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

Ex. 5 AC/DP

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, January 6, 2025 3:54 PM
To: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

And thank you!

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From: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Sent: Monday, January 6, 2025 3:25 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Kaytrue,

Ex. 5 AC/DP

Ex. 6 Personal Privacy (PP)

Gretchen

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From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Monday, January 6, 2025 2:36 PM
To: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Subject: RE: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Hey Gretchen,

Ex. 5 AC/DP

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Hope you had a good holiday week and happy new year!

Kaytrue

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From: Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>
Sent: Monday, January 6, 2025 2:30 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: update: Louisville 2015 ozone RD request proposed denial

CUI//PRIVILEGE

Hi, Kaytrue—

Happy New Year!

Ex. 5 AC/DP

Thanks,
Gretchen

Gretchen Morgan Frizzell
Attorney-Advisor · Air & EPCRA Legal Branch
Office of Regional Counsel · EPA Region 4
404.562.8089

Controlled by U.S. Environmental Protection Agency

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 2/5/2024 2:54:40 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]
Subject: RE: CBD v. EPA - Colorado ozone brief - EPA comments due COB tomorrow
Attachments: Doc 010110952657 CBD Merits Brief.pdf

Yep, attached!

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, February 05, 2024 9:53 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: RE: CBD v. EPA - Colorado ozone brief - EPA comments due COB tomorrow

Thanks Abi and team. Can I get a copy of CBD's brief? Thanks.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, February 5, 2024 9:45 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: CBD v. EPA - Colorado ozone brief - EPA comments due COB tomorrow

Hi Gautam,

Ex. 5 AC/AWP

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 2/21/2024 3:44:19 PM
To: Azeizat, Rachel (she/her/hers) [Azeizat.Rachel@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: Oklahoma Regional Haze 110(l) Issue
Attachments: SIP 110(l) Training Presentation 2023_final 8.29.23.pptx

Hi Rachel,

Attached is Libby's powerpoint presentation she used for the internal ARLO training. Note it contains her own personal notes for the presentation so please do not send this file on to the Region/OAQPS given she's on leave and can't speak to said notes!

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: Azeizat, Rachel (she/her/hers) <Azeizat.Rachel@epa.gov>
Sent: Wednesday, February 21, 2024 10:24 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: Oklahoma Regional Haze 110(l) Issue

CUI//PRIVILEGE

Hey, Abi/Bella – While I sat in on Libby's 110(l) training a little awhile ago, the exact requirements didn't stick in my head. Is there a PowerPoint or pager she created that I could take a peak at to see if I can counsel on R6's 110(l) question myself?

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From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, February 15, 2024 8:46 AM
To: Azeizat, Rachel (she/her/hers) <Azeizat.Rachel@epa.gov>
Subject: FW: Oklahoma Regional Haze 110(l) Issue

CUI//PRIVILEGE

Hi Rachel,

Please see the inquiry from R6, below. Please first take a stab at determining if this is an issue you can handle yourself. If it is sufficiently complex, let's discuss and see if you think you need to loop in Abi, Libby, and Bella.

Thanks!
Emily

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, February 14, 2024 4:28 PM
To: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>
Cc: Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: Oklahoma Regional Haze 110(l) Issue

CUI//PRIVILEGE

Hi Brooke,

Ex. 5 AC/DP

Hope that helps, please let me know if we should chat further!

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: Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Sent: Wednesday, February 14, 2024 3:03 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>
Subject: Oklahoma Regional Haze 110(l) Issue

CUI//PRIVILEGE

Good afternoon Libby, Abi and Michael,

Ex. 5 AC/DP

Thank you!

Brooke Villegas
Multimedia Counseling
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 6
(214) 665-6783
Villegas.Brooke@epa.gov

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 2/26/2024 6:46:40 PM
To: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
CC: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
Subject: RE: SCAQMD v. EPA draft stip
Attachments: CBD 2008 Ozone FFS Deadline Suit 113(g) CD Final Approval Memo_2.1.23.docx; CBD 2008 Ozone Deadline Suit CD 113g Signature Memo_2.1.23.docx

Hi Jesse,

Ex. 5 AC/AWP

Thanks again, Jesse!

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: Monday, February 26, 2024 12:49 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Subject: SCAQMD v. EPA draft stip

Ex. 5 AC/AWP

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 2/29/2024 10:30:15 PM
To: James, Corin [James.Corin01@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Bianco, Karen [Bianco.Karen@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]
Subject: OGC leads on TX-related ozone actions : RE: an interesting heads up on CM issue
Attachments: Texas Contingency Measures Lit - Texas Brief - 2-21-24.pdf; EPA-R06-OAR-2023-0536-0013_attachment_1 (1).pdf; DRAFT-0010 TCEQ.pdf

Hi all,

Now that we have multiple actions and lawsuits related to TX and ozone, thought I'd let this group collectively know who from OGC is working on what so we can cross-consult as needed (thank you Geoff and Corin for already flagging things on the contingency measures side, including the email below!). Josh, certainly welcome you looping in and naming anyone as appropriate on the ORC side as well!:

- Litigation on inclusion of TX in 2015 Moderate ozone SIP FFS (TX's brief due 3/5/24): **Karen**
- Challenge from TX on disapproval of 2008 ozone contingency measures for Houston (TX's brief attached): **Corin** lead with assistance from **Geoff**
- Voluntary bump up from Moderate to Serious for 2015 ozone, with proposed deadline for not-mooted SIP elements (adverse comments from both TX and Sierra Club attached): **Libby** lead on OAR leftover SIP requirements policy, **Kaytrue** lead on bump up and new SIP deadline

Ex. 5 AC/DP

I recognize people are still digesting comments and briefs but just want to make sure we all know who's working on what for consultation purposes given all of these moving pieces. 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: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, February 29, 2024 4:18 PM
To: James, Corin <James.Corin01@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: an interesting heads up on CM issue

CUI//PRIVILEGE

C and J:

Ex. 5 AC/DP

Take a look and see what you think.

G

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 2/29/2024 10:45:48 PM
To: Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Oggeri, Francis (he/him/his) [oggeri.francis@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; James, Corin [James.Corin01@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: Comments on TX bump up/leftover requirement policy
Attachments: EPA-R06-OAR-2023-0536-0013_attachment_1 (1).pdf; DRAFT-0010 TCEQ.pdf

Hi OAQPS,

Ex. 5 AC/DP

Thanks!

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Sent: 3/1/2024 3:27:33 PM
To: Bianco, Karen [Bianco.Karen@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Judgment w/Opinion Filed (Complex Panel)"

ACK.

Very much appreciate the offer for help, let me skim and think quickly as to next steps.

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: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Friday, March 01, 2024 10:26 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Judgment w/Opinion Filed (Complex Panel)"
Importance: High

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

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

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Breaking news on SSM – opinion forthcoming…

Sarah

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

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

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

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

Docket Text:
PER CURIAM JUDGMENT [2043026] filed that the petitions for review be granted and the SIP calls be vacated as to the calls based on automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions; and the petitions for review be denied as to the calls based on the enforcement-discretion provision and affirmative defenses against specific relief, for the reasons in the accompanying opinion . Before Judges: Srinivasan, Pillard and Walker. [15-1239, 15-1256, 15-1265, 15-1267, 15-1268, 15-1270, 15-1271, 15-1272]

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Mr. Geoffrey L. Wilcox
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William Jefferson Clinton Federal Building
Washington, DC 20460

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Document Description: Judgment with Opinion Sent
Original Filename: /opt/ACECF/live/forms/15-1239CHMJ.2.pdf
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[STAMP acecfStamp_ID=1109186823 [Date=03/01/2024] [FileNumber=2043026-0]
[60328b9ac282a703bb2546a218c51b311a4e5e9be4a1d41809871e91a3a7baad10efda205cee7a92688ffd9615ab
df6ac997f8a1422afa360c426a81c0f90724]]
Recipients:

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- Mr. Paul M. Bangser, Counsel
- Mr. Christopher John Baum, Deputy Solicitor General
- Ms. Kellie Elizabeth Billings-Ray, Assistant Attorney General
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- Ms. Sarah A. Buckley, Trial Attorney
- Mr. Wilson Sinclair Buntin, Assistant Attorney General
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- Ms. Emily Kingsbury Davis, Attorney
- Joshua Divine, Assistant Attorney General
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- Valerie Melissa Edge, Deputy Attorney General
- Drew C. Ensign
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- Jamie Leigh Ewing, Assistant Attorney General
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- Mr. Russell Scott Frye
- Mr. Phillip Roane Hilliard
- Melissa Horne
- Ms. Priscilla Marie Hubenak, Assistant Attorney General
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- Thomas T. Lampman, Assistant Attorney General
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- Justin L. Matheny, Deputy Solicitor
- Mr. Carroll Wade McGuffey, III, Attorney
- Mr. C. Grady Moore, III, Attorney

- Mr. Patrick J. Morrisey
- Mrs. Elizabeth Baker Murrill, Assistant Attorney General
- Joseph Anthony Newberg, II, Assistant Attorney General
- Mr. Matthew Robert Oakes, Trial Attorney
- Mr. James Hamilton Percival, II
- Stephen John Petrany, Attorney
- Michael Brant Pettis, Attorney
- James Samuel Pew
- Mr. Harold Edward Pizzetta, III, Special Attorney to the Attorney General
- Ms. Leslie Sue Ritts
- Mr. Lee Philip Rudofsky, Solicitor
- Mr. Eric Schaeffer
- Ms. Lindsay S. See
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- Mr. James Emory Smith, Jr., Assistant Attorney General
- Joshua Douglas Smith, Attorney
- Ms. Mathura Sridharan
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- Ms. Jan M. Tierney, Attorney
- Mr. John DuVal Walke
- Mr. Henry Charles Whitaker, Attorney
- Mr. Geoffrey L. Wilcox
- Ms. Hahnah Williams
- Mary Jo Woods, Special Assistant Attorney General

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/1/2024 5:01:47 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: FW: SSM decision - partial vacatur
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Importance: High

Apologies, should have included you in the distribution list.

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

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

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

Hi all,

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

Ex. 5 AC/DP

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

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

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

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Message

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Sent: 3/1/2024 6:16:41 PM
To: Bianco, Karen [Bianco.Karen@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

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

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From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Friday, March 01, 2024 1:06 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: 15-1239 Environ Comm FL Elec Power v. EPA, et al "Opinion Filed (Complex Panel)"

Ex. 5 AC/DP

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

Ex. 5 AC/DP

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

Ex. 5 AC/DP

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

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

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

Ex. 5 AC/DP

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

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

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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

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

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

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

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

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Opinion.

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

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United States Court of Appeals for District of Columbia Circuit

Notice of Docket Activity

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

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

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

Notice will be electronically mailed to:

Amy Christina Antoniolli, Attorney: aantoniolli@schiffhardin.com
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Mr. Seth Buchsbaum: buchsbaum.seth@epa.gov
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Mr. Jeffrey Allyn Chanay: jeff@treasurer.ks.gov
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Melissa Horne: melissa.horne@troutman.com
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Washington, DC 20460

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

[79ddc2ad06ede55272dd0c050326a3af4f8eaf45461bfb84384f25a8384a214a2c6fbe028cdee2c4e4ca4acb4b2af50c547ea5a136f5a892af1062bff55f277e]]

Recipients:

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2. Mr. Paul M. Bangser, Counsel
3. Mr. Christopher John Baum, Deputy Solicitor General
4. Ms. Kellie Elizabeth Billings-Ray, Assistant Attorney General
5. Mr. Steven R. Blair, Assistant Attorney General
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12. Mr. Jeffrey Allyn Chanay
13. Andrew Coghlan, Trial Attorney
14. Mr. Paul Robert Cort
15. Mr. John Charles Cruden
16. Ms. Emily Kingsbury Davis, Attorney
17. Joshua Divine, Assistant Attorney General
18. Patton Dycus
19. Valerie Melissa Edge, Deputy Attorney General
20. Drew C. Ensign
21. Mr. P. Clayton Eubanks
22. Jamie Leigh Ewing, Assistant Attorney General
23. Aaron Scott Farmer
24. Mr. Russell Scott Frye
25. Mr. Phillip Roane Hilliard
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27. Ms. Priscilla Marie Hubenak, Assistant Attorney General
28. Ms. Sheila Marie Igoe
29. Andrea Issod
30. Marty J. Jackley
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34. Mr. Matthew Franklin Kuhn
35. Mr. Edmund Gerard LaCour, Jr.
36. Thomas T. Lampman, Assistant Attorney General

37. Mr. Robert Alan Manning
38. Justin L. Matheny, Deputy Solicitor
39. Mr. Carroll Wade McGuffey, III, Attorney
40. Mr. C. Grady Moore, III, Attorney
41. Mr. Patrick J. Morrisey
42. Mrs. Elizabeth Baker Murrill, Assistant Attorney General
43. Joseph Anthony Newberg, II, Assistant Attorney General
44. Mr. Matthew Robert Oakes, Trial Attorney
45. Mr. James Hamilton Percival, II
46. Stephen John Petrany, Attorney
47. Michael Brant Pettis, Attorney
48. James Samuel Pew
49. Mr. Harold Edward Pizzetta, III, Special Attorney to the Attorney General
50. Ms. Leslie Sue Ritts
51. Mr. Lee Philip Rudofsky, Solicitor
52. Mr. Eric Schaeffer
53. Ms. Lindsay S. See
54. Mr. James Michael Showalter, Attorney
55. Mr. James Emory Smith, Jr., Assistant Attorney General
56. Joshua Douglas Smith, Attorney
57. Ms. Mathura Sridharan
58. Mr. Luther J. Strange, III
59. Mrs. Megan K. Terrell, Assistant Attorney General
60. Ms. Jan M. Tierney, Attorney
61. Mr. John DuVal Walke
62. Mr. Henry Charles Whitaker, Attorney
63. Mr. Geoffrey L. Wilcox
64. Ms. Hahnah Williams
65. Mary Jo Woods, Special Assistant Attorney General

<SSM_Opinion.pdf>

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/1/2024 6:24:32 PM
To: James, Corin [James.Corin01@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: 110(k)(5) SIP call authority discussion - FW: SSM decision - partial vacatur
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Importance: High

Hi Corin,

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: Vijayan, Abi
Sent: Friday, March 01, 2024 11:45 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: SSM decision - partial vacatur
Importance: High

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

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From: Vijayan, Abi
Sent: Friday, March 01, 2024 11:36 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; Niebling, William

(he/him/his) <Niebling.William@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Lowder, Erin (she/her/hers) <Lowder.Erin@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: SSM decision - partial vacatur
Importance: High

Hi all,

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

Ex. 5 AC/DP

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/1/2024 7:01:03 PM
To: Greenglass, Nora [Greenglass.Nora@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
Subject: EPA SIP call authority - of potential interest for 111(d)?
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Importance: High

Hi Nora, Stephanie –

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

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From: Vijayan, Abi
Sent: Friday, March 01, 2024 11:45 AM
To: OGC ARLO <OGC_ARLO@epa.gov>
Subject: FW: SSM decision - partial vacatur
Importance: High

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

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

Subject: SSM decision - partial vacatur
Importance: High

Hi all,

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

Ex. 5 AC/DP

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

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

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From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/1/2024 9:16:18 PM
To: Dain, Gregory [Dain.Greg@epa.gov]; Villatora, Liliana [Villatora.Liliana@epa.gov]; Thomas, Donzetta (she/her/hers) [Thomas.Donzetta@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: OGC availability next week; SSM SIP call court decision - partial vacatur
Attachments: SSM_Opinion.pdf; SSM Judgment.pdf

Hi all,

Hope everyone is doing well this Friday, I have a couple of things to flag for you:

Firstly, all of OGC has a mandatory retreat next Tuesday – Wednesday, so appreciate your patience during this time and we will get back to any questions your Region may have as soon as possible after the retreat.

Ex. 5 AC/DP

Again, we are still working through the opinion and will be in touch soon with a more detailed summary of the opinion, but wanted you to be aware of the order and opinion as soon as possible. Thanks!

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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Sent: 3/4/2024 11:07:03 PM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Hi Paul, Andy, Sarah –

Ex. 5 AC/AWP

Thanks again for the initial thoughts, and sorry we're not able to meet sooner than Thursday! Please let me know if you have any immediate reactions to the above, and whether Thursday or Friday works fine for a meeting.

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

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 4:50 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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Hi Libby and Abi,

Ex. 5 AC/AWP

Thanks,
Paul

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/5/2024 1:51:15 AM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Coghlan, Andrew (ENRD) [Andrew.Coghlan@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Good to know the expectation re: the update for your DAAG! Would 3 – 4 pm work for us to meet on Thursday?

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

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

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 8:30 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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Hi Abi,

Thanks for getting the regions started on all that! And yes, when are you free on Thursday?

Ex. 5 AC/AWP

Looking forward to connecting later in the week.

Best,
Paul

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 4, 2024 6:07 PM
To: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: [EXTERNAL] RE: SSM D.C. Circuit Decision - Practical Effects on EPA Action

Hi Paul, Andy, Sarah –

Ex. 5 AC/AWP

Thanks again for the initial thoughts, and sorry we're not able to meet sooner than Thursday! Please let me know if you have any immediate reactions to the above, and whether Thursday or Friday works fine for a meeting.

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

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, March 04, 2024 4:50 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Coghlan, Andrew (ENRD) <Andrew.Coghlan@usdoj.gov>; Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: SSM D.C. Circuit Decision - Practical Effects on EPA Action

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

Hi Libby and Abi,

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Thanks,
Paul

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/7/2024 2:13:27 PM
To: Orlin, David [Orlin.David@epa.gov]
Subject: more pets for review on PM NAAQS
Attachments: 24-1052_DocketEntry_03-06-2024_.pdf; 24-1051_DocketEntry_03-06-2024_.pdf

Hi David,

We've received more petitions from review for the PM NAAQS, **Ex. 5 AC/AWP** **Ex. 5 AC/AWP**

Would you have a moment to send the IO notification on the lawsuits? Let me know if it would be helpful for me to do so, again appreciate all you've got going on right now.

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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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/7/2024 4:27:43 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: Overview for 1:30 call on SO2 litigation issue
Attachments: 17-60088_DocketEntry_02-23-2024_366-1.pdf; ENV_DEFENSE-#1156171-v1-Texas_v__EPA_(SO2)_Order_Requesting_Response_to_En_Banc_Petition.PDF; 2024.1.11.Opinion Affirming Designation.pdf

Hi SO2 team –

Providing some background in advance of our 1:30 call today – Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Let's discuss more at 1:30!

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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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/8/2024 5:36:19 PM
To: Kataoka, Mark [Kataoka.Mark@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: 5th Cir pet for rehearing on agency deference - CCILO involvement?
Attachments: 17-60088_DocketEntry_02-23-2024_366-1.pdf; ENV_DEFENSE-#1156171-v1-Texas_v__EPA_(SO2)_Order_Requesting_Response_to_En_Banc_Petition.PDF; 2024.1.11.Opinion Affirming Designation.pdf

Hi Mark & Mark -

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/8/2024 7:01:05 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

Hi Libby,

Ex. 5 AC/DP

Thanks!

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

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

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Monday, March 04, 2024 11:31 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

CUI//PRIVILEGE

Hi Abi,

I attached my working draft summary of the decision here – I started losing steam and am having trouble staying awake, so I recognized that I wouldn't be able to finish the summary tonight at a reasonable hour. I've attached a SharePoint version of what I have so far with my notes and plan to finish it up Thursday. I'll also bring my laptop in case I should prioritize this and step away during the retreat.

I incorporated Seth's notes below and Corin's writeup on 110(k)(5). I also attached all of the materials attached to Seth's original email along with the opinion and judgment so that everything's in one place.

I'm really sorry about not being able to get a full draft summary of the decision today. I wasn't as efficient on this first day back as I could've been.

SSM Opinion Summary.docx

Thanks,

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

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From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, November 14, 2023 1:04 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: FW: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

From: Buchsbaum, Seth
Sent: Thursday, March 24, 2022 11:11 AM
To: Goffman, Joseph <Goffman.Joseph@epa.gov>; Nunez, Alejandra <Nunez.Alejandra@epa.gov>; Carbonell, Tomas <Carbonell.Tomas@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Ling, Michael <Ling.Michael@epa.gov>; Senter, Stephen <Senter.Stephen@epa.gov>; Lowder, Erin <Lowder.Erin@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>; Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Damberg, Rich <Damberg.Rich@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: Upcoming Oral Argument: Startup, Shutdown, and Malfunction (SSM) Provisions in SIPs

Tomorrow morning, on Friday, March 25, the D.C. Circuit will hear oral argument in *Environ. Comm. Fl. Elec. Power v. EPA*, No. 15-1239. The case is a consolidated set of petitions for review of EPA's June 12, 2015 final action relating to startup, shutdown, and malfunction provisions in SIPs (2015 SSM SIP Action, 80 Fed. Reg. 33,840).

Ex. 5 AC/AWP

Ex. 5 AC/AWP

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/8/2024 7:24:49 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Palma, Elizabeth [Palma.Elizabeth@epa.gov]; Tillerson, Clint [Tillerson.Clint@epa.gov]; Hawes, Todd [Hawes.Todd@epa.gov]
CC: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: 5th Cir pet for rehearing on TX SO2 designations decision
Attachments: 17-60088_DocketEntry_02-23-2024_366-1.pdf; ENV_DEFENSE-#1156171-v1-Texas_v__EPA_(SO2)_Order_Requesting_Response_to_En_Banc_Petition.PDF; 2024.1.11.Opinion Affirming Designation.pdf

Hi all,

Ex. 5 AC/AWP/DP

Please let us know if you have any questions, thanks.

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

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

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Appointment

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/11/2024 9:53:26 PM
To: OGC SIP Group [OGC_SIP_Group@epa.gov]
BCC: DCRoomWJCN7500-OGC [DCRoomWJCN7500-OGC@epa.gov]

Subject: SSM decision implications - SIP Group Lunch
Attachments: New SIP SSM Decision - Partial Vacatur ; Tomorrow's SIP Group Lunch Question: D.C. Circuit SSM SIP Decision
Location: DCRoomWJCN7500-OGC

Start: 3/12/2024 4:10:00 PM
End: 3/12/2024 5:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
every 2 week(s) on Tuesday from 12:10 PM to 1:00 PM
Required Attendees: OGC SIP Group

3/10 – Please see the attached emails for tomorrow's SIP Group Lunch discussion on the recently issued SSM SIP Call decision

SIP Group Lunch meeting/room reservation for 2024

Microsoft Teams meeting

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

Ex. 6 Personal Privacy (PP)

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Learn More | Meeting options

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/12/2024 5:11:25 PM
To: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Lawrence, Sydney [lawrence.sydney@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7
Attachments: Letter Recommending Rehearing En Banc West Virginia v. EPA (4th Cir Jan 10 2024) Final 1-29-2024 to sign.pdf

I don't have concerns with sending OGC's summary to the APMs/ADDs, but would add and emphasize a caveat that the Regions should **not** distribute the summary to states or other external stakeholders.

Ex. 5 AC/AWP

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

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From: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Sent: Tuesday, March 12, 2024 1:02 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7

CUI//PRIVILEGE

Let me check with Vera, but I think what we will do is send this to Kim (lead region coordinator) to then send to the ADDs and APMs. I want to check if we want to include any other information first.

I'll handle distribution to Kim if that's what we decide. Thank you though for raising this for me again as it might have slipped off my radar.

OGC any concerns if we decide to have Kim circulate as is?

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: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Tuesday, March 12, 2024 12:14 PM
To: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7

CUI//PRIVILEGE

Hi Dylan,

I can circulate Libby's email below to the Regional staff to the Regional APMs for awareness. Is this contact listserv the best one to us to capture all the APMs (I pulled this from the APM monthly invite list)?
Air_Program_Managers_Regions@epa.gov

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, March 8, 2024 4:19 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>; Ruddick, Randall <ruddick.randall@epa.gov>; Silverman, Sean (he/him/his) <Silverman.Sean@epa.gov>; Simcox, Alison <simcox.alison@epa.gov>; Linky, Edward <Linky.Edward@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Nichols, Serena <Nichols.Serena@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gordon, Elijah <Gordon.Elijah@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Ling, Michael <Ling.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Leslie, Michael (he/him/his) <leslie.michael@epa.gov>; Kosin, Michele <Kosin.Michele@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>
Cc: Akers, Brad <Akers.Brad@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Tennenbaum, Susan <Tennenbaum.Susan@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Bae, Estelle (she/her/hers) <Bae.Estelle@epa.gov>; Bloemer, Matthew <Bloemer.Matthew@epa.gov>; Olson, Bethany (she/her/hers) <olson.bethany@epa.gov>; Goddard, Faith <Goddard.Faith@epa.gov>; Evans-Hopper, La Kenya <EvansHopper.LaKenya@epa.gov>; McKee Perez, Nancy <McKeePerez.Nancy@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7

Hi everyone – Thank you all for updating the SIP status tracker and providing those notes for DOJ. I'm sure we'll have some follow up questions and discussions soon, but for now, providing OGC's detailed summary of the opinion below.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

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From: Pettit, Elizabeth (Libby)
Sent: Monday, March 4, 2024 6:00 PM
To: Lawrence, Sydney <lawrence.sydney@epa.gov>; Ruddick, Randall <ruddick.randall@epa.gov>; Silverman, Sean (he/him/his) <Silverman.Sean@epa.gov>; Simcox, Alison <simcox.alison@epa.gov>; Linky, Edward <Linky.Edward@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Nichols, Serena <Nichols.Serena@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gordon, Elijah <Gordon.Elijah@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Ling, Michael <Ling.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Leslie, Michael (he/him/his) <leslie.michael@epa.gov>; Kosin, Michele <Kosin.Michele@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>
Cc: Akers, Brad <Akers.Brad@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Tennenbaum, Susan <tennenbaum.susan@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Bae, Estelle (she/her/hers) <Bae.Estelle@epa.gov>; Bloemer, Matthew <Bloemer.Matthew@epa.gov>; Olson, Bethany (she/her/hers) <olson.bethany@epa.gov>; Goddard, Faith <Goddard.Faith@epa.gov>; Evans-Hopper, La Kenya <EvansHopper.LaKenya@epa.gov>; McKee Perez, Nancy <McKeePerez.Nancy@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: SSM Decision: RE: SSM Workgroup Call - DOJ Info Request by Noon Thursday 3/7

Hi SSM Workgroup,

I'm reaching out as follow up from the DC Circuit's SSM decision on Friday.

Ex. 5 AC/AWP

Ex. 5 AC/AWP

We're planning to talk with DOJ later this week, so if you could add details for the actions listed in the status tracker Excel sheet for your region's states by **noon EST on Thursday**, I'd really appreciate it. In case there are issues with SharePoint/the Teams site, I also attached a static version of the most recent table in the SSM workgroup on Teams in case it's easier to add in details there.

SSM SIP Status Tracker.xlsx

Ex. 5 AC/AWP

Thanks,

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

From: Lawrence, Sydney <lawrence.sydney@epa.gov>
Sent: Saturday, March 2, 2024 7:46 AM
To: Ruddick, Randall <ruddick.randall@epa.gov>; Silverman, Sean (he/him/his) <Silverman.Sean@epa.gov>; Simcox, Alison <simcox.alison@epa.gov>; Linky, Edward <Linky.Edward@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Nichols, Serena <Nichols.Serena@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Bartley, Richard <Bartley.Richard@epa.gov>; Shar, Alan <shar.alan@epa.gov>; Keas, Ashley <keas.ashley@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Schmitt, Ellen (she/her/hers) <Schmitt.Ellen@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gordon, Elijah <Gordon.Elijah@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Ling, Michael <Ling.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Leslie, Michael (he/him/his) <leslie.michael@epa.gov>; Kosin, Michele <Kosin.Michele@epa.gov>; Wortman, Eric (he/him/his) <Wortman.Eric@epa.gov>
Cc: Akers, Brad <Akers.Brad@epa.gov>; Frizzell, Gretchen (she/her/hers) <Frizzell.Gretchen@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Clark, Adam <Clark.Adam@epa.gov>; Tennenbaum, Susan <Tennenbaum.Susan@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Bae, Estelle (she/her/hers) <Bae.Estelle@epa.gov>; Bloemer, Matthew <Bloemer.Matthew@epa.gov>; Olson, Bethany (she/her/hers) <olson.bethany@epa.gov>; R7-RO2.C-K09-10/R7-RO <R7-RO2.C-K09-10@epa.gov>; Goddard, Faith <Goddard.Faith@epa.gov>; Evans-Hopper, La Kenya <EvansHopper.LaKenya@epa.gov>; McKee Perez, Nancy <McKeePerez.Nancy@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: SSM Decision: RE: SSM Workgroup Call
Importance: High

Hello everyone,

We received the SSM decision from the D.C. Circuit Friday morning, which included a partial vacatur. OGC noted that "Unfortunately, the court has vacated the SIP calls as to 'automatic exemptions, director's discretion provisions, and affirmative defenses that are functionally exemptions.' The court further upheld the SIP calls as to the director's discretion provisions, and as to TN's enforcement discretion provisions. The court also denied the Petitioners' challenges to affirmative defenses against monetary damages."

We will be coordinating with OGC early next week to get a more detailed assessment of the decision and discuss its full implications. The SSM SIP call-specific WG is meeting this coming Tuesday at 11a. Our next larger SSM WG meeting is scheduled for March 19 – as we get more information, I will keep this group informed of updates in the meantime.

Thanks,
Sydney

-----Original Appointment-----
From: Lawrence, Sydney
Sent: Tuesday, October 10, 2023 7:16 AM
To: Ruddick, Randall; Lawrence, Sydney; Silverman, Sean (he/him/his); Simcox, Alison; Linky, Edward; McHale, Mary; Nichols, Serena; Snyder, Doug; Huey, Joel; Gross, Louise C; Bartley, Richard; Shar, Alan; Keas, Ashley; HertzWu, Sara; Schmitt, Ellen (she/her/hers); Law, Nicole; Gordon, Elijah; Chen, Eugene; Smith, Noah; Ling, Michael; Nolbaum, Seth (he/him/his); Dain, Gregory; Dykes, Teresa; Pettit, Elizabeth (Libby); Senter, Stephen; Devkota, Om; Leslie, Michael (he/him/his); Kosin, Michele; Wortman, Eric (he/him/his); Lowder, Erin (she/her/hers)
Cc: Akers, Brad; Frizzell, Gretchen (she/her/hers); Cherry, Randall; Curley, Michael; Blakley, Pamela (she/her/hers); Clark, Adam; Tennenbaum, Susan; Cobb, Brandon; Bae, Estelle (she/her/hers); Bloemer, Matthew; Olson, Bethany (she/her/hers); R7-RO2.C-K09-10/R7-RO; Goddard, Faith; Evans-Hopper, La Kenya; McKee Perez, Nancy
Subject: SSM Workgroup Call
When: Tuesday, March 19, 2024 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Please join us by Teams or by phone for the bi-weekly SSM workgroup meeting.

Check out the SSM Teams site for meeting agendas, meeting notes, helpful resources, and more.

Microsoft Teams meeting

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

Ex. 6 Personal Privacy (PP)

Find a local number | Reset PIN

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/19/2024 2:09:15 PM
To: Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: RE: RSC Distribution: March 2024 Tiering List Responses Due COB Mon Mar 18

Sorry Mark, my eyes glazed over this one, just added the WG members!

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: Kataoka, Mark <Kataoka.Mark@epa.gov>
Sent: Tuesday, March 19, 2024 9:35 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: RSC Distribution: March 2024 Tiering List Responses Due COB Mon Mar 18
Importance: High

Anyone for SO2 Findings?

From: Kataoka, Mark
Sent: Tuesday, March 12, 2024 1:13 PM
To: Nichols, Nathanael (he/him/his) <nichols.nathanael@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RSC Distribution: March 2024 Tiering List Responses Due COB Mon Mar 18
Importance: High

I'm forwarding to (in order of the list below):
- Nate for GLO
- Tom for CCILO CEPG
- Abi for ARLO
- Chris for PTSLO
- Carrie for WLO (I'm guessing 11799 would have been in MEL's PG and I don't know who is acting – can you please forward as appropriate?)

Please further forward as needed and enter/update your workgroup members, if any, in the linked SharePoint tiering list **by COB Mon Mar 18.**

MAR24 EAMS Tiering List.docx

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

Mark Kataoka
Assistant General Counsel
Regulatory Issues Practice Group
EPA OGC CCILO

202-564-5584

From: Adams, Darryl <Adams.Darryl@epa.gov>
Sent: Tuesday, March 5, 2024 2:38 PM
To: RSC Core <RSC_Core@epa.gov>; RSC Regions Core <RSC_Regions_Core@epa.gov>; OCSPP Tiering <OCSPP_Tiering@epa.gov>
Cc: Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: EAMS - RSC Tiering List Distribution: March 2024 Updated Tiering List with Word attachment
Importance: High

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/22/2024 5:42:20 PM
To: Dykes, Teresa [Dykes.Teresa@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: ISO an OECA consult on DC Circuit decision
Attachments: Industry Petitioners 2016 Opening Brief SSM.pdf; State Petitioners 2016 Opening Brief SSM.pdf; EPA 2016 Brief SSM.pdf; Enviro Intervenors 2016 Brief SSM.pdf; Industry Petitioners 2016 Reply Brief SSM.pdf; State Petitioners 2016 Reply Brief SSM.pdf; Industry Petitioners 2022 Supplemental Brief SSM.pdf; State Petitioners 2022 Supplemental Brief SSM.pdf; EPA 2022 Supplemental Brief SSM.pdf; Enviro Intervenors 2022 Supplemental Brief SSM.pdf

Yep, all 10 (sigh) attached.

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: Dykes, Teresa <Dykes.Teresa@epa.gov>
Sent: Friday, March 22, 2024 1:37 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: RE: ISO an OECA consult on DC Circuit decision

CUI//PRIVILEGE

Abi- Still work ing on getting you something. Do you happen to have the briefs handy?

Terri Dykes
Senior Attorney
Air Enforcement Division, Stationary Source Enforcement Branch
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave. NW
Mail Code 2242A
Washington, DC 20460
202.564.9883
(call for physical delivery address)

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Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, March 22, 2024 11:42 AM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: RE: ISO an OECA consult on DC Circuit decision

CUI//PRIVILEGE

Hi Terri,

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: Dykes, Teresa <Dykes.Teresa@epa.gov>
Sent: Friday, March 22, 2024 9:59 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: RE: ISO an OECA consult on DC Circuit decision

CUI//PRIVILEGE

Abi- Folks tried to get thru it yesterday and there are some thoughts I will put together and get over to you all today.

Ex. 5 AC/AWP/DP Is this the case?

Terri Dykes
Senior Attorney
Air Enforcement Division, Stationary Source Enforcement Branch
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave. NW
Mail Code 2242A
Washington, DC 20460
202.564.9883
(call for physical delivery address)

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Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, March 21, 2024 11:09 AM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: RE: ISO an OECA consult on DC Circuit decision

CUI//PRIVILEGE

Hi Terri,

Ex. 5 AC/AWP/DP

To that end, echoing Geoff's prior offer, if a call would be easier to talk through the collective thinking, we're happy to set that up, please just let us know.

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

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

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From: Dykes, Teresa <Dykes.Teresa@epa.gov>
Sent: Thursday, March 21, 2024 10:05 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: RE: ISO an OECA consult on DC Circuit decision

CUI//PRIVILEGE

A few of us met earlier this week- and several had not read the whole decision. Let me touch base with them today and see what thoughts folks have. Thanks for the follo-up

Terri Dykes
Senior Attorney
Air Enforcement Division, Stationary Source Enforcement Branch
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave. NW
Mail Code 2242A
Washington, DC 20460
202.564.9883
(call for physical delivery address)

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Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, March 21, 2024 9:41 AM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Subject: RE: ISO an OECA consult on DC Circuit decision

CUI//PRIVILEGE

T:

Hey. Have you all had a chance to consider the impacts of this decision on enforcement program concerns?

Ex. 5 AC/AWP/DP

G

Controlled by U.S. Environmental Protection Agency

From: Wilcox, Geoffrey
Sent: Wednesday, March 13, 2024 1:48 PM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: ISO an OECA consult on DC Circuit decision

T:

Per our discussion, we in OGC would really appreciate input from OECA on the potential impacts of this decision.

Ex. 5 AC/AWP/DP

Please let us know if you have questions about what we are seeking. Thank you for pitching in on this with us!

G

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/28/2024 1:23:48 AM
To: Hong, Jeanhee [Hong.Jeanhee@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Lee, Michael (he/him/his) [lee.michaelg@epa.gov]
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Jeanhee,

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, March 27, 2024 8:44 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Geoff, Libby, Abi –

Ex. 5 AC/AWP/DP

Sorry, and thanks much.

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 27, 2024 2:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>

Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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Hey Jeanhee. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, March 21, 2024 7:58 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Dan,

Ex. 5 AC/AWP/DP

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

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From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, March 21, 2024 7:11 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>

Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Great. Does 4-4:30 today work for both of you?

Sent from my iPhone

On Mar 21, 2024, at 12:04 AM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

CUI//PRIVILEGE

Thanks Dan. I'm wide open tomorrow between 11:30am and 5:30pm ET, and Friday 11:30am-1:30pm and 2:00-5:30pm ET.

Hoping Mike can join us, too (I'll let him speak to his availabilities).

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

Controlled by U.S. Environmental Protection Agency

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, March 20, 2024 7:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

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Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Tuesday, March 19, 2024 12:19 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

CUI//PRIVILEGE

Hi Dan – just putting this back at the top of your inbox, since our 4/1 deadline to file a motion to govern approaches. Let me know if you'd like me to set up a quick teams call.

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

Controlled by U.S. Environmental Protection Agency

From: Hong, Jeanhee
Sent: Thursday, March 14, 2024 3:53 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Mike and I discussed the SIP Call decision (attached) with our SSM/SIP team and OGC management Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, March 1, 2024 10:44 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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Hi Jeanhee. I haven't seen it yet but it sounds like we have a decision in the SIP call case. The panel in this case just issued an order directing us to file motions to govern by April 1.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, February 21, 2024 5:06 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan. I'll be in touch in April so we can plan for a possible filing by May 20.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Wednesday, February 21, 2024 1:54 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee – the order finally came through. I'm not sure why the court took so long to act. New deadline for motions to govern is May 20 (unless we get a decision in the SIP call case).

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Friday, February 2, 2024 1:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Great, thanks very much Dan.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, February 2, 2024 10:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Here you go, just an unopposed motion. Oddly the court hasn't acted on it yet. I'll send the order when it comes through.

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Wednesday, January 31, 2024 10:20 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – would you mind sending me our filed reply (assuming it was filed yesterday)? No rush, thanks much.

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

From: Hong, Jeanhee
Sent: Monday, January 29, 2024 1:41 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 1:37 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>

Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Thanks. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 4:15 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan – Yes, my program contact confirmed his management is comfortable deferring to our advice at this point to not oppose the additional abeyance on the same terms as before. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 12:31 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Sounds good. Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 2:13 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 11:09 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

That makes sense. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 1:55 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks Dan – Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thanks much and I'll be in touch once I have final word from the program.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, January 29, 2024 10:27 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Monday, January 29, 2024 12:33 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Subject: FW: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Friday, October 27, 2023 11:15 AM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 7:42 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 4:24 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: Re: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Ex. 5 AC/AWP/DP

Sent from my iPhone

On Oct 26, 2023, at 6:55 PM, Hong, Jeanhee <Hong.Jeanhee@epa.gov> wrote:

Hi Dan,

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP Thoughts?

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 3:29 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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Thanks for clarifying that. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

The court's standard practice is to require motions to govern at the end of an abeyance period. Is that ok, or does EPA want something different?

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 5:54 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Sugerik, Corey (he/him/his) <Sugerik.Corey@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Thanks, Dan. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

I'm copying my program contact (Corey) so he can correct me if I've misunderstood. Thanks much.

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

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Thursday, October 26, 2023 1:36 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

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

Ex. 5 AC/AWP/DP

From: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Sent: Thursday, October 26, 2023 2:05 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: [EXTERNAL] RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

Thanks,
Jeanhee

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

From: Hong, Jeanhee
Sent: Wednesday, October 25, 2023 5:27 PM
To: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Cc: Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion

Hi Dan,

Ex. 5 AC/AWP/DP

I'll send an update tomorrow once I have word on Scott's position. Thanks for the good discussion today.

Jeanhee Hong (she/her)
USEPA Office of General Counsel

Air and Radiation Law Office
(202) 565-0040

From: Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>
Sent: Monday, October 23, 2023 2:10 PM
To: Hong, Jeanhee <Hong.Jeanhee@epa.gov>
Subject: RE: SSM LITIGATION GROUP v. EPA, No. 23-1267 (DC Cir.) -- abeyance motion



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

Hi Jeanhee. Petitioners' motion is attached. Our response is due Monday, October 30. Do you have time tomorrow or Wednesday to talk it through?

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/28/2024 1:28:07 AM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: FW: OAR Pre-Brief re: KY Meeting
Attachments: RE: Upcoming OAR Pre-Briefing

Hi Libby,

Please see the attached, I am going to shortly forward two meeting invites Ex. 5 AC/DP Ex. 5 AC/DP. One is a pre-brief with Tomas and the other is a meeting with the Kentucky Gov's office. Would be great if you could make either/both, but if not, Yasmin may already be covering the calls for PM implementation purposes and so hopefully she can also cover for EE purposes!

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, March 27, 2024 2:06 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

Here's the answer from Stephen.

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

she/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 1:30 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

Thanks Yasmin, I was just about to shoot an email inquiry to the listed OAQPS participants, but I'll wait to see what you hear back from Alina!

From: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Sent: Wednesday, March 27, 2024 1:29 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

I asked Angelina. I will let you know asap.

Yasmín Pérez Ortiz

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

she/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, March 27, 2024 1:07 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Durch, Kyle <Durch.Kyle@epa.gov>
Subject: RE: OAR Pre-Brief re: KY Meeting

Do you all know what this OAR briefing is about? I unfortunately have a conflicting meeting I can't miss, but please let me know if we should circle up on anything here!

-----Original Appointment-----
From: Carbonell, Tomas <Carbonell.Tomas@epa.gov>
Sent: Wednesday, March 27, 2024 12:58 PM
To: Carbonell, Tomas; Tsirigotis, Peter; Dunkins, Robin; Kornylak, Vera S.; Palma, Elizabeth; Scott, Denise; Senter, Stephen; Leith, Andrew; Brashear, Angelina (she/her/hers); Evangelista, Mark; Smith, Jason; Keller, Peter; Mocka, Corey; Watkins, Nealson; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Vijayan, Abi; Durch, Kyle; Taft, Sarah (she/her/hers); Toney, Anthony; Gettle, Jeaneanne; Nicholson, John; Zapata, Cesar; Palmer, Leif
Subject: OAR Pre-Brief re: KY Meeting
When: Thursday, March 28, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Appointment

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
on behalf of Carbonell, Tomas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15EC2A6AD2934C669F6A675E7CF4961B-CARBONELL,]
Sent: 3/28/2024 1:28:22 AM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]

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

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

-----Original Appointment-----
From: Carbonell, Tomas <Carbonell.Tomas@epa.gov>
Sent: Wednesday, March 27, 2024 12:58 PM
To: Carbonell, Tomas; Carbonell, Tomas; Tsirigotis, Peter; Dunkins, Robin; Kornylak, Vera S.; Palma, Elizabeth; Scott, Denise; Senter, Stephen; Leith, Andrew; Brashear, Angelina (she/her/hers); Evangelista, Mark; Smith, Jason; Keller, Peter; Mocka, Corey; Watkins, Nealson; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Vijayan, Abi; Durch, Kyle; Taft, Sarah (she/her/hers); Toney, Anthony; Gettle, Jeaneanne; Nicholson, John; Zapata, Cesar; Palmer, Leif
Subject: OAR Pre-Brief re: KY Meeting
When: Thursday, March 28, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 3/28/2024 2:07:08 PM
To: Orlin, David [Orlin.David@epa.gov]
Subject: RE: PM2.5 -- deferred appendix / briefing schedule

Ex. 5 AC/AWP/DP Would be great to join the call for my own awareness, recognizing my calendar is a disaster so happy to be an optional participant.

From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, March 28, 2024 10:02 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Fwd: PM2.5 -- deferred appendix / briefing schedule

Ex. 5 AC/AWP/DP

David Orlin
Office of General Counsel, USEPA

Begin forwarded message:

From: "Buckley, Sarah (ENRD)" <Sarah.Buckley@usdoj.gov>
Date: March 28, 2024 at 9:42:53 AM EDT
To: "Orlin, David" <Orlin.David@epa.gov>
Cc: "St. Romain, Alexandra (ENRD)" <Alexandra.St.Romain@usdoj.gov>
Subject: FW: PM2.5 -- deferred appendix / briefing schedule

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

Hi David:

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

Ex. 5 AC/AWP/DP

Sarah

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

Dear Sarah, Seth, Shaun, and John:

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

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

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

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

Thanks,
Elbert

Administrative Record: April 16, 2024

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

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

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

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

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

Deferred Appendix: August 27, 2024

Final Briefs: September 3, 2024

Elbert Lin
Hunton Andrews Kurth LLP
804.788.7202
202.955.1548

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/2/2024 3:30:09 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: MO transport - director's discretion

I know there are multiple trainwrecks going on right now, so please feel free to coordinate and respond with whatever timeframe you both think you need.

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

CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

In terms of timing, could we ask for your review of these edits by **noon Thursday, 4/4?** The total content is about ~2 pages of additional text, so hopefully not too challenging to review.

Ex. 5 AC/DP

Your review is needed before we can take the next steps in this process.

Thank you!

Controlled by U.S. Environmental Protection Agency

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

Ex. 5 AC/DP

Ex. 5 AC/DP

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

CUI//PRIVILEGE

Hi y'all –

Ex. 5 AC/DP

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

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

Controlled by U.S. Environmental Protection Agency

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

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks much for your review - Dan

Controlled by U.S. Environmental Protection Agency

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

CUI//PRIVILEGE

Ex. 5 AC/DP

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

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

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

Controlled by U.S. Environmental Protection Agency

From: Kaban, Rosemary
Sent: Wednesday, March 27, 2024 1:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey

<wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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

-----Original Appointment-----
From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 11:44 AM
To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/2/2024 5:34:46 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: RE: MO transport - director's discretion

Hi Dan,

Ex. 5 AC/DP

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

CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

Ex. 5 AC/DP

Your review is needed before we can take the next steps in this process.

Thank you!

Controlled by U.S. Environmental Protection Agency

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

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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Hi y'all –

Ex. 5 AC/DP

Rosemary Hambright Kaban

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

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Controlled by U.S. Environmental Protection Agency

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

CUI//PRIVILEGE

Ex. 5 AC/DP

Thanks much for your review - Dan

Controlled by U.S. Environmental Protection Agency

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

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Ex. 5 AC/DP

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

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

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To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
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Ex. 5 AC/DP

Ex. 5 AC/DP

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

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-----Original Appointment-----
From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 11:44 AM
To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/2/2024 9:44:53 PM
To: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]; Schoellkopf, Lynde (she/her/hers) [Schoellkopf.Lynde@epa.gov]
CC: Talty, Mark [Talty.Mark@epa.gov]; Kataoka, Mark [Kataoka.Mark@epa.gov]
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion
Attachments: ENV_DEFENSE-#1164892-v2-Texas_v_EPA(SO2)_Response_to_En_Banc_Pet_+EPA.docx

Hi Perry,

Please find attached our comments on the draft, we look forward to seeing the next version (still aiming for the 5th or no later than the 8th?). Thanks!

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Friday, March 29, 2024 5:23 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Modeling Discussion

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

Hi All,

Ex. 5 AC/AWP

That's it and have a great weekend.

Perry

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

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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:11 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: [EXTERNAL] Texas v. EPA (SO2) - Modeling Discussion

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Hi Perry,

Ex. 5 AC/AWP

Talk soon,
Hali

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

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

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

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

Hali,

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

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

Ex. 5 AC/AWP

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

Ex. 5 AC/AWP

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

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Ex. 5 AC/AWP

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/3/2024 7:07:02 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: RE: MO transport - director's discretion

Hi all,

Ex. 5 AC/DP

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

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Ok, thank you Abi and team.

Controlled by U.S. Environmental Protection Agency

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

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Hi Dan,

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

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Abi, Geoff, Yasmin, and Libby –

Ex. 5 AC/DP

Thank you!

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From: Schramm, Daniel
Sent: Monday, April 1, 2024 2:31 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
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Sent: Monday, April 1, 2024 2:18 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
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Hi y'all –

Ex. 5 AC/DP

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

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Ex. 5 AC/DP

Thanks much for your review - Dan

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Ex. 5 AC/DP

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

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

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To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

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Sent: 4/3/2024 7:17:04 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: MO transport - director's discretion

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

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

CUI//PRIVILEGE

A:

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

G

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

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

CUI//PRIVILEGE

Ok, thank you Abi and team.

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

CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

Ex. 5 AC/DP

Your review is needed before we can take the next steps in this process.

Thank you!

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CUI//PRIVILEGE

Hi y'all –

Ex. 5 AC/DP

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CUI//PRIVILEGE

Ex. 5 AC/DP

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

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

CUI//PRIVILEGE

Ex. 5 AC/DP

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

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

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From: Kaban, Rosemary
Sent: Wednesday, March 27, 2024 1:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
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Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/3/2024 7:34:33 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]; Kaban, Rosemary [Kaban.Rosemary@epa.gov]
Subject: RE: MO transport - director's discretion

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Sent: Wednesday, April 3, 2024 3:11 PM
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Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

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Hi all,

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CUI//PRIVILEGE

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CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

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Sent: 4/4/2024 1:44:22 AM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: MO transport - director's discretion

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From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Wednesday, April 3, 2024 7:53 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi Geoff and Abi,

Ex. 5 AC/DP

Thanks!

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

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CUI//PRIVILEGE

Dan:

Yes my friend, I am going to fill my coffee mug (with coffee to be clear) and take a look at this in about 10 minutes. I will give you my thoughts before logging off today. You were the cavalry earlier today on the OECA call, so happy to return the favor!

G

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Ok, thank you Abi and team.

Controlled by U.S. Environmental Protection Agency

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

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

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

CUI//PRIVILEGE

Abi, Geoff, Yasmin, and Libby –

In terms of timing, could we ask for your review of these edits by **noon Thursday, 4/4?** The total content is about ~2 pages of additional text, so hopefully not too challenging to review.

Ex. 5 AC/DP

Your review is needed before we can take the next steps in this process.

Thank you!

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

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Monday, April 1, 2024 2:18 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey

<wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: MO transport - director's discretion

CUI//PRIVILEGE

Hi y'all –

Ex. 5 AC/DP

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

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Controlled by U.S. Environmental Protection Agency

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

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Ex. 5 AC/DP

Thanks much for your review - Dan

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

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Ex. 5 AC/DP

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

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

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Controlled by U.S. Environmental Protection Agency

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

Ex. 5 AC/DP

Ex. 5 AC/DP

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

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-----Original Appointment-----
From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, March 25, 2024 11:44 AM
To: Vijayan, Abi; Vijayan, Abi; Schramm, Daniel; Kaban, Rosemary; Wilcox, Geoffrey; Pettit, Elizabeth (Libby)
Cc: Seidman, Emily; Perez Ortiz, Yasmin
Subject: MO transport - director's discretion
When: Wednesday, March 27, 2024 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/8/2024 6:58:33 PM
To: Gange, Heather (ENRD) [Heather.Gange@usdoj.gov]
CC: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Weiler, Eaton [weiler.eaton@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]
Subject: EPA comments on Detroit brief
Attachments: DetroitOzoneLitigation-V1 EPA comments.docx

Hi Heather,

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

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

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

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.

Message

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Sent: 4/11/2024 2:52:18 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case
Attachments: ENV_DEFENSE-#1175065-v5-Texas_v__EPA_(SO2)_Response_to_En_Banc_Pet_.docx

Hi Susannah,

DOJ just confirmed that they will send us the next version after incorporating our edits (which we are sending back today), so we'll be sure to pass that along when we receive it. He also just indicated that that Matt L. has already reviewed, and the attached draft reflects his feedback. We will take a look today and see how this version aligns with our collective comments, but wanted you to have it in case helpful for the same purpose and/or engaging with Matt.

Ex. 5 AC/AWP

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Thursday, April 11, 2024 10:15 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Thank you Hali! I think it will be important to make sure our edits are made by DOJ (or if not, for good reason)

Ex. 5 AC/AWP

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, April 11, 2024 9:59 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Susannah,

We've asked the DOJ attorney for another check to make sure our edits are incorporated, even if it's a quick turnaround. So we will keep you posted on that.

At the staff level, we incorporated all of your edits/comments except:

Ex. 5 AC/AWP

Thanks so much,
Hali

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

Controlled by U.S. Environmental Protection Agency

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Wednesday, April 10, 2024 9:00 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Thanks Hali! Will we get a chance to see if he's incorporated our edits?

Also, to the extent they were substantive, would be great to hear which edits you all disagreed with.

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, April 10, 2024 6:20 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Ex. 5 AC/AWP

We really appreciate your input, your perspective, and your time on this Susannah!

We'll keep you posted.
Hali

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

From: Weaver, Susannah <Weaver.Susannah@epa.gov>
Sent: Tuesday, April 9, 2024 10:27 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Hi Hali,

Ex. 5 AC/AWP

Also, if you think we shouldn't pass on the proofreading edits, fine to strip them out.

Thanks!

Susannah

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Friday, April 5, 2024 9:14 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: For Review by COB 4/10: Revised Brief for Texas SO2 Case

Hi Susannah,

Attached is EPA's draft response to Texas et al.'s petition for rehearing *en banc* in the Fifth Circuit case on technical deference to agencies. Our DOJ attorney has incorporated EPA staff-level and his managements' initial edits and sent back this revised brief. If you would like to review, we are aiming for **COB on Wednesday, April 10** to meet our 4/15 filing deadline.

Thanks so much,
Hali

Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC

(202) 564-2286 (office & telework)

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/11/2024 10:29:49 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: For review by Monday morning: Detroit redesignation brief
Attachments: DetroitOzoneLitigation-ThirdRoundReview-V9.docx

Hi Susannah,

Ex. 5 AC/AWP

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/11/2024 10:38:47 PM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]
Subject: Revised version - RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case
Attachments: ENV_DEFENSE-#1175065-v6-Texas_v__EPA_(SO2)_Response_to_En_Banc_Pet_.docx

Hi Susannah,

We just received the revised brief from DOJ. We'll of course take a look to see whether/how our edits were incorporated, but wanted to get this to you quickly in the meantime as well.

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, April 11, 2024 11:58 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Thursday, April 11, 2024 11:54 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella

<Smith.Isabella@epa.gov>
Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

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Let me know if anyone has concerns with this approach.

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

Controlled by U.S. Environmental Protection Agency

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, April 11, 2024 11:38 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Weaver, Susannah <Weaver.Susannah@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
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Subject: RE: For Review by COB 4/10: Revised Brief for Texas SO2 Case

CUI//PRIVILEGE

Ex. 5 AC/AWP

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 10:52 AM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Thrift, Mike

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Hali

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

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Thanks so much,
Hali

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

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Sent: 4/12/2024 2:39:06 AM
To: Weaver, Susannah [Weaver.Susannah@epa.gov]
CC: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: For review by Monday morning: Detroit redesignation brief
Attachments: ENV_DEFENSE-#1185355-v3-Detroit__EPA_Response_Brief.DOCX

Following up with the complete draft brief including the introduction and summary of argument!

From: Vijayan, Abi
Sent: Thursday, April 11, 2024 6:30 PM
To: Weaver, Susannah <Weaver.Susannah@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: For review by Monday morning: Detroit redesignation brief

Hi Susannah,

Ex. 5 AC/AWP

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/12/2024 6:09:08 PM
To: Rosen, Perry (ENRD) [Perry.Rosen@usdoj.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
CC: Thrift, Mike [thrift.mike@epa.gov]; Vargas, Aaron [Vargas.Aaron@epa.gov]; Villegas, Brooke (she/her/hers) [Villegas.Brooke@epa.gov]
Subject: RE: Texas v. EPA (SO2) - Draft Brief
Attachments: ENV_DEFENSE-#1175065-v6-Texas_v__EPA_(SO2)_Response_to_En_Banc_Pet_4.12.24. EPA comments .docx

Hi Perry,

Ex. 5 AC/AWP

Thanks again!

From: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>
Sent: Thursday, April 11, 2024 6:25 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>
Subject: RE: Texas v. EPA (SO2) - Draft Brief

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Hali,

Ex. 5 AC/AWP

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

Perry

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

perry.rosen@usdoj.gov

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

Controlled by U.S. Environmental Protection Agency

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

CUI//PRIVILEGE

Hi Perry,

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

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

Thank you, Perry!
Hali

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

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

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

Perry

Perry M. Rosen
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
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

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

CUI//PRIVILEGE

Hi Perry,

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

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

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Hi Abi,

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

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

Perry

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

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Environment Defense Section
4 Constitution Square
150 M Street, NE
Suite 2.900
Washington, DC 20002

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 11, 2024 9:24 AM

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

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Hi Perry,

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

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

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Hi All,

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

Perry

Perry M. Rosen
Senior Attorney
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P.O. Box 7611
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150 M Street, NE
Suite 2.900
Washington, DC 20002

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

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

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

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

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

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Hi Hali,

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

Perry

Perry M. Rosen

Senior Attorney
United States Department of Justice
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P.O. Box 7611
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perry.rosen@usdoj.gov

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Washington, DC 20002

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

CUI//PRIVILEGE

Hi Perry,

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

Thanks!
Hali

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

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

Extremely reasonable. Good luck tomorrow!!!

Hali Kerr (she/hers)

Attorney-Advisor, EPA OGC
(202) 564-2286 (office & telework)

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

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Hi Hali,

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

Perry

Perry M. Rosen
Senior Attorney
United States Department of Justice
Environment & Natural Resources Division
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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: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, March 20, 2024 5:09 PM
To: Rosen, Perry (ENRD) <Perry.Rosen@usdoj.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>
Cc: Talty, Mark <Talty.Mark@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Subject: [EXTERNAL] Texas v. EPA (SO2) - Annotated Petition for Rehearing En Banc

Hi Perry,

The team over here has marked up Ps' petition for rehearing en banc pretty significantly. I am attaching that for your reference. I will also forward you a helpful email exchange with some of our technical folks.

We are starting to get questions from our management on the plan here. Do you have a sense of the internal timeline, and when we, and specifically our management, may be able to review a draft response?

Please let me know what else we can do to help.

Many thanks,
Hali

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

FOIA No. 2025-EPA-09254 ED_020431_00003131-00009

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/17/2024 6:51:15 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Durch, Kyle [Durch.Kyle@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: 1992 "General Preamble"
Attachments: 1992 General Preamble.pdf

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/18/2024 9:23:41 PM
To: Doster, Brian [Doster.Brian@epa.gov]; McNerney, Matthew [McNerney.Matthew@epa.gov]; Gibson, Monica [Gibson.Monica@epa.gov]
Subject: SSM in NSR SIPs? FW: Please attend - 4/22 SIP Group Lunch - SSM/director's discretion/aff defenses primer
Attachments: New SIP SSM Decision - Partial Vacatur

Hi all,

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, April 18, 2024 5:21 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: Please attend - 4/22 SIP Group Lunch - SSM/director's discretion/aff defenses primer

Hello SIP Group,

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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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/24/2024 4:08:05 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Ex. 5 AC/DP

From: Vijayan, Abi
Sent: Wednesday, April 24, 2024 12:07 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Hi Team,

Certainly welcome your thoughts on Dan's inquiry below of whether we can get through this one today!

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, April 24, 2024 11:59 AM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure
Importance: High

CUI//PRIVILEGE

Ex. 5 AC/DP

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From: Schramm, Daniel
Sent: Tuesday, April 23, 2024 1:48 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Friday, April 19, 2024 8:45 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: my comments on MO

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Ex. 5 AC/DP

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 19, 2024 7:34 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

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Rosemary:

We are doing some more thinking on this notice.

Ex. 5 AC/DP

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From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 16, 2024 6:13 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Geoff and Libby – Bumping this to the top of your inbox. We're still looking for resolution on the several items I tagged per my note below. Here's a link for your convenience:

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

Can we aim to get this cleared in the next couple days?

From: Schramm, Daniel
Sent: Thursday, April 11, 2024 9:41 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Ex. 5 AC/DP

Hoping for internal resolution this week? Thank you again very much!

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, April 5, 2024 5:20 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary

<Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Ugh thank you. Really appreciate it.

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 4:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Re: my comments on MO

Oh that sounds miserable. Sorry Libby. Oof. We can live with taking this past Monday.

Sent from my iPhone

On Apr 5, 2024, at 1:57 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

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From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 12:43 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks again for your help – again, let's aim to finish these edits by Monday ~midday?

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, April 4, 2024 7:47 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: my comments on MO

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

G

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 4/24/2024 4:08:42 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]
CC: Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Thanks for the patience Dan and for reaching out, I have separately pinged the team so we'll get back to you one way or another asap!

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, April 24, 2024 11:59 AM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure
Importance: High

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Ex. 5 AC/DP

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From: Schramm, Daniel
Sent: Tuesday, April 23, 2024 1:48 PM
To: Kaban, Rosemary <Kaban.Rosemary@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: MO Good Neighbor NPRM and Force Majeure

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Sent: Friday, April 19, 2024 8:45 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Friday, April 19, 2024 7:34 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Rosemary:

We are doing some more thinking on this notice.

Ex. 5 AC/DP

G

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From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Tuesday, April 16, 2024 6:13 PM

To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Geoff and Libby – Bumping this to the top of your inbox. We're still looking for resolution on the several items I tagged per my note below. Here's a link for your convenience:

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

Can we aim to get this cleared in the next couple days?

From: Schramm, Daniel
Sent: Thursday, April 11, 2024 9:41 AM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Ex. 5 AC/DP

Hoping for internal resolution this week? Thank you again very much!

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Friday, April 5, 2024 5:20 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

Ugh thank you. Really appreciate it.

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 4:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Seidman, Emily

<seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: Re: my comments on MO

Oh that sounds miserable. Sorry Libby. Oof. We can live with taking this past Monday.

Sent from my iPhone

On Apr 5, 2024, at 1:57 PM, Vijayan, Abi <Vijayan.Abi@epa.gov> wrote:

CUI//PRIVILEGE

Hi Dan,

Ex. 5 AC/DP

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From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Friday, April 5, 2024 12:43 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: my comments on MO

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks again for your help – again, let's aim to finish these edits by Monday ~midday?

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, April 4, 2024 7:47 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: my comments on MO

CUI//PRIVILEGE

Gang:

Ex. 5 AC/DP

G

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 5/7/2024 2:19:09 PM
To: OGC SIP Group [OGC_SIP_Group@epa.gov]
CC: Michaels, Lauren (she/her/hers) [Michaels.Lauren@epa.gov]
Subject: Agenda - RE: SIP Group Lunch
Attachments: Final EPA_Response_Brief.pdf; ENV_DEFENSE-#1124092-v1-Detroit__Petitioner_s_Opening_Brief.PDF

Hi all,

Ex. 5 AC/AWP/DP

Briefs are attached, see you at 12:10 pm!

-----Original Appointment-----
From: Vijayan, Abi
Sent: Tuesday, December 12, 2023 9:05 AM
To: Vijayan, Abi; OGC SIP Group
Cc: Michaels, Lauren (she/her/hers)
Subject: SIP Group Lunch
When: Tuesday, May 7, 2024 12:10 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomWJCN7500-OGC

SIP Group Lunch meeting/room reservation for 2024

Microsoft Teams meeting

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Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 5/9/2024 9:50:58 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

Ex. 5 AC/DP

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, May 9, 2024 5:47 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: FW: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

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Ex. 5 AC/DP

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

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From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, May 9, 2024 5:40 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

Controlled by U.S. Environmental Protection Agency

From: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Sent: Thursday, May 9, 2024 5:24 PM
To: Seidman, Emily <seidman.emily@epa.gov>
Subject: EE Non-Exceedance Days Issue - FW: Maryland EE Question (cont.)

CUI//PRIVILEGE

Ex. 5 AC/DP

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

Controlled by U.S. Environmental Protection Agency

From: McKinley, Gobeail <McKinley.Gobeail@epa.gov>
Sent: Thursday, May 9, 2024 5:09 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Cc: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Simon, Heather <Simon.Heather@epa.gov>
Subject: RE: Maryland EE Question (cont.)

CUI//PRIVILEGE

Hi,

Ex. 5 AC/DP

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

Controlled by U.S. Environmental Protection Agency

From: McKinley, Gobeail
Sent: Wednesday, May 1, 2024 2:40 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Palma, Elizabeth <Palma.Elizabeth@epa.gov>
Cc: Deabler, Gabrielle <Deabler.Gabrielle@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Maryland EE Question (cont.)

Hi All,

Thanks for your email Libby. I set up a meeting tomorrow to discuss this topic further.

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

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

CUI//PRIVILEGE

Hi Gobeail and Beth,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

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

Thanks!

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

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

CUI//PRIVILEGE

Ex. 5 AC/DP

Beth

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

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

CUI//PRIVILEGE

Hi Libby,

Ex. 5 AC/DP

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

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

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

CUI//PRIVILEGE

Hey Gobeail,

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

Ex. 5 AC/DP

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 5/14/2024 2:51:55 PM
To: Orlin, David [Orlin.David@epa.gov]
Subject: RE: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (EPA-89FR16202)

Thanks for the heads up on all counts, excited for your trip to Rio! (waiting to see if others are also interested but Karen has amazingly volunteered to act for the entire time, so no pressure on that front)

From: Orlin, David <Orlin.David@epa.gov>
Sent: Tuesday, May 14, 2024 10:49 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (EPA-89FR16202)

PS I might also try to fit a trip to visit Devlin in Rio into the briefing schedule but I haven't sorted through when that would be yet (which is also one of the reasons I haven't volunteered to act for you for part of the time)

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

From: Orlin, David
Sent: Tuesday, May 14, 2024 10:44 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Graham, Cheryl <Graham.Cheryl@epa.gov>
Subject: FW: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (EPA-89FR16202)

Court set the briefing schedule in the PM NAAQS case—same as we agreed to earlier (a few less words).

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, May 14, 2024 10:40 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: FW: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (EPA-89FR16202)

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Hi David,

Ex. 5 AC/AWP

Let us know if you have any questions about this!

Best,
Alex

From: ecfnoticing@cadc.uscourts.gov <ecfnoticing@cadc.uscourts.gov>
Sent: Tuesday, May 14, 2024 10:18 AM
To: St. Romain, Alexandra (ENRD) <Alexandra.St.Romain@usdoj.gov>
Subject: 24-1050 Commonwealth of Kentucky, et al v. EPA, et al "Per Curiam Order Filed (Special Panel)" (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 05/14/2024 at 10:16:38 AM Eastern Daylight Time and filed on 05/14/2024

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

Docket Text:
PER CURIAM ORDER [2054255] filed ORDERED that the following briefing format and schedule will apply in these consolidated cases: PETITIONERS' Opening Briefs due 06/06/2024. RESPONDENTS' Brief due on 08/19/2024. RESPONDENT-INTERVENORS' Briefs due 09/09/2024. PETITIONERS' Reply Briefs due 09/30/2024. DEFERRED APPENDIX due 10/07/2024. Final Briefs due 10/15/2024 (SEE ORDER FOR MORE DETAILS). Before Judges: Wilkins, Childs and Pan. [24-1050, 24-1051, 24-1052, 24-1073, 24-1091]

Notice will be electronically mailed to:

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Philip Axt: pjaxt@nd.gov
James A. Barta: james.barta@atg.in.gov, katherine.jacob@atg.in.gov, jonna.anderson@atg.in.gov

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Miss Lindsey Keiser: lindsey.keiser@ky.gov
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Bradley Motl: motlbj@doj.state.wi.us, henrycj@doj.state.wi.us
Mr. James Hamilton Percival, II: james.percival@myfloridalegal.com
Ms. Erica Peterson: epeterson@hunton.com

Stephen John Petrany, Attorney: spetrany@law.ga.gov
Mr. Anthony J. Powell: Anthony.Powell@ag.ks.gov, nikki.desch@ag.ks.gov
Stanford Purser: spurser@agutah.gov, rauvaa@agutah.gov, clesmes@agutah.gov
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Ms. Lindsay S. See: lindsay.s.see@wvago.gov, choffman@wvago.gov
Jennifer Seely: jennifer.seely@alaska.gov, christian.faatoafe@alaska.gov, benjamin.merkouris@alaska.gov
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Jonathan Andrew Wiener: jonathan.wiener@doj.ca.gov
Mr. Michael Ray Williams: michael.r.williams@wvago.gov, choffman@wvago.gov

Mrs. Elizabeth Anne Morrisseau, Assistant Attorney General: MorrisseauE@michigan.gov, gibsonj16@michigan.gov (*daily summary*)
Sarah Utley, Assistant County Attorney: sarah.utley@cao.hctx.net (*daily summary*)

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Recipients:

- Jacob M. Abrahamson
- Mr. Jorge Benjamin Aguinaga, Attorney
- Philip Axt
- James A. Barta
- Mr. Steven R. Blair, Assistant Attorney General
- Mr. Nicholas J. Bronni, Deputy Solicitor General
- Marvin C. Brown, IV
- Ms. Sarah A. Buckley, Trial Attorney

- Mrs. Alison Hoffman Carney
- Christian Brian Corrigan
- Caroline Cress, Assistant Attorney General
- Nathan Curtisi
- D. David DeWald
- Joshua Divine, Assistant Attorney General
- Mr. Cody Doig
- Mr. Thomas Elliot Gaiser
- Mr. Paul Andrew Garrahan
- Mr. Garry M. Gaskins, II
- Shaun Alaric Goho
- Matthew Hardin
- Mr. Hayden Wong Hashimoto
- Ms. Whitney D. Hermandorfer
- Mr. Christopher C. Horner, Attorney
- Mr. Alan M. Hurst
- Mr. Dylan L. Jacobs, Assistant Solicitor General
- Mr. Jason E. James
- Seth L. Johnson
- Ms. Ann R. Johnston, Sr. Deputy Attorney General
- Melanie Kehne, Assistant Attorney General
- Miss Lindsey Keiser
- Mr. Harrison Gray Kilgore
- Christopher Gene King, Assistant Corporation Counsel
- Kris W. Kobach
- Mr. Matthew Franklin Kuhn
- Mr. Edmund Gerard LaCour, Jr.
- Jill Lacedonia, Assistant Attorney General
- Lucinda Minton Langworthy
- Stacy J. Lau
- Ms. Jennifer L. Lewis
- Mr. Elbert Lin, Partner
- Ms. Stephanie A. Maloney
- Justin L. Matheny, Deputy Solicitor
- Corey Moffat
- Ms. Lisa Jo Morelli
- Mr. Patrick J. Morrisey
- Mrs. Elizabeth Anne Morrisseau, Assistant Attorney General
- Bradley Motl

- Mr. James Hamilton Percival, II
- Ms. Erica Peterson
- Stephen John Petrany, Attorney
- Mr. Anthony J. Powell
- Stanford Purser
- Mr. Brunn W. Roysden, III
- Emily C. Schilling
- Ms. Lindsay S. See
- Jennifer Seely
- Sydney Jo Sell, Attorney
- Mr. Jesse Clayton Smith
- Ms. Turner Helen Smith, Assistant Attorney General
- Mr. Joseph David Spate
- Ms. Mathura Sridharan
- Alexandra L. St. Romain
- Michael F. Strande, Assistant Attorney General
- Grant Strobl
- Peter Surdo, Special Assistant Attorney General
- Joshua N Turner
- Sarah Utley, Assistant County Attorney
- Kristina R. Van Bockern
- Caroline S. Van Zile, Deputy Solicitor General
- Mr. Andrew R. Varcoe
- Mr. John DuVal Walke
- Mr. Eric H. Wessan
- Mr. Henry Charles Whitaker, Attorney
- Jonathan Andrew Wiener
- Mr. Michael Ray Williams

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 5/16/2024 7:44:08 PM
To: James, Corin [James.Corin01@epa.gov]
Subject: FW: Sanction documents
Attachments: CAA Sanctions Basics_June 2023.pptx; dec 2023 link to sanctions table and senter clarification of terms.docx; marciapresentationsanctions&fips_final_8_26_10.pdf; Sanctions Cheat Sheet _Final.pdf; atlanta.docx; CAA Sanctions Master File_November 1 2022.docx; chart re history of sanctions imposed 2014.doc; Mike Boydston notes sept 30-2022.docx; sanctions_imposed Sept_2014 update Ver3.doc; proposed rule - oct 1993.rtf; Selection of Sequence of Mandatory Sanctions for Findings Made Pursuant to Section 179 of the Clean (59 FR 39892 Aug. 4 1994).pdf; Selection of Sequence of Mandatory Sanctions.rtf; Sanctions - comments to rule; Sanctions: CA and SD matters; Sanctions - 110m - discretionary sanctions; Sanctions - region 9 -sanctions in a nonattainment area covered by two different air districts ; Sanctions - IFDs, Conditional Approvals, FFS notices; Sanctions - background emails and docs; Sanctions - Regs and CAA

Hi Corin,

Attached are a series of documents and emails that Karen sent to me on sanctions. Appreciate your picking up this portfolio!

From: Palmer, Karen <Palmer.Karen@epa.gov>
Sent: Friday, April 12, 2024 2:52 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Sanction documents

Hi Abi: Here's some documents that might be helpful to a future attorney, including some training material, the FRN notices, and history of sanctions imposed. I will send other documents in separate emails. Thanks.

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 5/30/2024 2:42:57 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; James, Corin [James.Corin01@epa.gov]; Dru, Jacobine (she/her/hers) [Dru.Jacobine@epa.gov]; Snyder, Doug [Snyder.Doug@epa.gov]
Subject: RE: addressing FIP/sanctions clocks after vacatur?
Attachments: EME Homer City v. EPA (EME Homer City II 2015) (CSAPR).docx

Attaching the court case Stephanie's email references, sorry this dropped off somehow.

From: Vijayan, Abi
Sent: Thursday, May 30, 2024 10:40 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; James, Corin <James.Corin01@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>
Subject: FW: addressing FIP/sanctions clocks after vacatur?

Hi all,

Ex. 5 AC/DP

Ex. 5 AC/DP. Please see thread bellow and the attached.

From: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Sent: Friday, March 8, 2024 10:16 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; James, Corin <James.Corin01@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>
Subject: RE: addressing FIP/sanctions clocks after vacatur?

CUI//PRIVILEGE

You're welcome! Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Cc'ing Brian Doster in case he recalls any other details of that particular case that would be relevant to your questions.

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

Pronouns: she/her/hers

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, March 08, 2024 9:33 AM
To: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; James, Corin <James.Corin01@epa.gov>
Subject: RE: addressing FIP/sanctions clocks after vacatur?

CUI//PRIVILEGE

Ah ha, I knew my instinct was right to include you in my email distribution list! **Ex. 5 AC/DP**

Ex. 5 AC/AWP

Thanks, Stephanie!

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: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Sent: Friday, March 08, 2024 8:59 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: addressing FIP/sanctions clocks after vacatur?

CUI//PRIVILEGE

Ex. 5 AC/DP

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

Pronouns: she/her/hers

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From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, March 07, 2024 9:27 PM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>; Anderson, Lea (she/her/hers) <anderson.lea@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Doster, Brian <Doster.Brian@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: addressing FIP/sanctions clocks after vacatur?

CUI//PRIVILEGE

Hello SIPsters (+some SIP/SIP-adjacent alums who may have experience on this issue) -

Ex. 5 AC/DP

Ex. 5 AC/DP

Libby and I welcome any thoughts you may have on this not at all tricky issue as this is all moving fairly quickly. Thanks!

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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 6/17/2024 4:56:09 PM
To: Seidman, Emily [seidman.emily@epa.gov]
Subject: FW: failure to fulfill enforceable commitments
Attachments: Texas error correction.pdf; EPA GHG PSD Narrowing Rule.pdf

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

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From: Vijayan, Abi
Sent: Monday, June 17, 2024 12:00 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, June 17, 2024 11:57 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Wilcox, Geoffrey
Sent: Monday, June 17, 2024 11:53 AM

To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, June 17, 2024 11:32 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

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

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From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, June 17, 2024 11:00 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, June 17, 2024 10:49 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Gang:

Ex. 5 AC/DP

Ex. 5 AC/DP

G

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, June 17, 2024 10:36 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

t

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: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Monday, June 17, 2024 10:17 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, June 17, 2024 10:02 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, June 17, 2024 10:01 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

KB:

Ex. 5 AC/DP

G

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, June 17, 2024 9:23 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Monday, June 17, 2024 9:08 AM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: failure to fulfill enforceable commitments

Hello SIPsters,

Ex. 5 AC/DP

Has anyone faced anything like this before? Would love to hear if we have any past practice or advice around this topic. Thanks!

Karen Bennett Bianco | U.S. Environmental Protection Agency | pronouns: she/hers
Attorney-Adviser | Office of General Counsel | WJCN 7426X | 202-564-3298

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 6/20/2024 2:52:52 PM
To: Boydston, Michael [Boydston.Michael@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
CC: James, Corin [James.Corin01@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]
Subject: RE: follow up on Scott's question

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: Boydston, Michael <Boydston.Michael@epa.gov>
Sent: Thursday, June 20, 2024 10:39 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; James, Corin <James.Corin01@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>
Subject: RE: follow up on Scott's question

CUI//PRIVILEGE

Ex. 5 AC/DP

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Tuesday, June 18, 2024 9:44 AM
To: Boydston, Michael <Boydston.Michael@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; James, Corin <James.Corin01@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: follow up on Scott's question

M and SJT:

Ex. 5 AC/DP

G

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 6/24/2024 1:38:08 PM
To: James, Corin [James.Corin01@epa.gov]
Subject: 110(k)(6) - FW: failure to fulfill enforceable commitments
Attachments: Texas error correction.pdf; EPA GHG PSD Narrowing Rule.pdf

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: Vijayan, Abi
Sent: Monday, June 17, 2024 12:00 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

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

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From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, June 17, 2024 11:57 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Wilcox, Geoffrey
Sent: Monday, June 17, 2024 11:53 AM

To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, June 17, 2024 11:32 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

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

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From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, June 17, 2024 11:00 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

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Sent: Monday, June 17, 2024 10:49 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Gang:

Ex. 5 AC/DP

Ex. 5 AC/DP

G

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Sent: Monday, June 17, 2024 10:36 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

at

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

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From: Bianco, Karen <Bianco.Karen@epa.gov>
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To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, June 17, 2024 10:02 AM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi

<Vijayan.Abi@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Monday, June 17, 2024 10:01 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

KB:

Ex. 5 AC/DP

G

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, June 17, 2024 9:23 AM
To: Bianco, Karen <Bianco.Karen@epa.gov>; OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: RE: failure to fulfill enforceable commitments

Ex. 5 AC/DP

From: Bianco, Karen <Bianco.Karen@epa.gov>
Sent: Monday, June 17, 2024 9:08 AM
To: OGC SIP Group <OGC_SIP_Group@epa.gov>
Subject: failure to fulfill enforceable commitments

Hello SIPsters,

Ex. 5 AC/DP

Has anyone faced anything like this before? Would love to hear if we have any past practice or advice around this topic. Thanks!

Karen Bennett Bianco | U.S. Environmental Protection Agency | pronouns: she/hers
Attorney-Adviser | Office of General Counsel | WJCN 7426X | 202-564-3298

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 6/25/2024 1:12:54 PM
To: Weatherall, Grace [Weatherall.Grace@epa.gov]; Hogan, Stephanie (she/her/hers) [Hogan.Stephanie@epa.gov]
Subject: RE: State Plan Approvals for section 129 rules - CISWI Federal Plan Language
Attachments: 1974_Framework_111(d)_NPR_39 FR 36101.pdf; Subpart Ba proposal_2022.pdf

Hi Grace,

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: Weatherall, Grace <Weatherall.Grace@epa.gov>
Sent: Thursday, June 20, 2024 2:01 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: RE: State Plan Approvals for section 129 rules - CISWI Federal Plan Language

CUI//PRIVILEGE

Good afternoon Abi and Stephanie,

Ex. 5 AC/DP

Apologies again for the chaos, and many thanks,

Grace

Controlled by U.S. Environmental Protection Agency

From: Weatherall, Grace
Sent: Monday, June 17, 2024 5:04 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: State Plan Approvals for section 129 rules - CISWI Federal Plan Language

Abi!

Ex. 6 Personal Privacy (PP)

Ex. 5 AC/DP

Thanks so much,

Grace

From: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Sent: Monday, June 17, 2024 4:32 PM
To: Weatherall, Grace <Weatherall.Grace@epa.gov>
Subject: RE: State Plan Approvals for section 129 rules - CISWI Federal Plan Language

CUI//PRIVILEGE

Ex. 5 AC/DP

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

Pronouns: she/her/hers

Controlled by U.S. Environmental Protection Agency

From: Weatherall, Grace <Weatherall.Grace@epa.gov>
Sent: Monday, June 17, 2024 3:59 PM
To: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: RE: State Plan Approvals for section 129 rules - CISWI Federal Plan Language

CUI//PRIVILEGE

Ex. 5 AC/DP

Thank you!

Controlled by U.S. Environmental Protection Agency

From: Howard, Jodi <Howard.Jodi@epa.gov>
Sent: Monday, June 17, 2024 3:10 PM
To: Davis, Felica <Davis.Felica@epa.gov>; Weatherall, Grace <Weatherall.Grace@epa.gov>
Cc: Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>
Subject: State Plan Approvals for section 129 rules - CISWI Federal Plan Language

Felica/Grace.

Ex. 5 AC/DP

Thoughts?

Jodi Howard, Group Leader
Fuels and Incineration Group
Sector Policies and Program Division
U.S. EPA, OAQPS

Phone: 919.541.4607
Email: howard.jodi@epa.gov
Pronouns: she/her/hers

About the Sector Policies and Programs Division (SPPD) | US EPA

https://www.epa.gov/aboutepa/about-office-air-and-radiation-oar#oaqps

We are hiring! For more information, check out this link:
https://www.youtube.com/watch?v=TOp7LFukTjk

"We can apply our environmental engineering skills to the delivery of municipal services that are affordable and appropriate and will result in the improvement in their quality of life and physical environment." - *Lilia Abron, PhD,* First Black American woman to earn a PhD in chemical engineering (1972)

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/1/2024 1:12:14 PM
To: Brown, Lucy E. (ENRD) [Lucy.E.Brown@usdoj.gov]
CC: Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: Second Conformity Challenge - Introducing Lucy Brown
Attachments: 2024-07-16 Bakersfield BLM APDs and CAA Violations - BLM-DOI-EPA.pdf; ECF 40 First Amended Complaint.pdf

Hi Lucy,

I goofed and mixed up subject matters, we thankfully DO have an attorney covering general conformity! Bella Smith (cc'd) picked up this portfolio for OGC and was able to work with Karen on it for a bit before she retired. Please reach out to Bella as needed here (I will let Region 9 know as well), 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: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Tuesday, July 30, 2024 6:25 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Second Conformity Challenge - Introducing Lucy Brown

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

Hi Abi,

Lucky me! I just want to loop you in on the attached letter addressed to EPA and BLM. Plaintiffs filed an amended complaint in my case (also attached) alleging violations of the CAA (among other laws) for failure to conduct a conformity determination. I spoke with Kara Christenson and Tom Hagler today about how EPA plans to respond to the letter. I expect they will get back to me later this week or early next week with the Region's position.

Thanks,
Lucy

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, July 30, 2024 12:21 PM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Subject: [EXTERNAL] RE: Second Conformity Challenge - Introducing Lucy Brown

Hi Lucy,

Nice to hear from you, hope you're also doing well! We're waiting to onboard a new hire to backfill Karen, so you're unfortunately stuck with me in the meantime as a placeholder on conformity. I likely will need to take a beat look into whatever questions you have, but happy to help!

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: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Tuesday, July 30, 2024 6:10 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: Second Conformity Challenge - Introducing Lucy Brown

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

Hi Abi,

I hope you're doing well! My understanding is that Karen Palmer has retired. Conformity determination issues are rearing their head in my case again. Are you the best point of contact at OGC to discuss them with?

Thanks,
Lucy

From: Palmer, Karen <Palmer.Karen@epa.gov>
Sent: Monday, November 6, 2023 10:20 AM
To: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>
Subject: [EXTERNAL] FW: Second Conformity Challenge - Introducing Lucy Brown

Dear Lucy: Please see edits below to the paragraphs you sent. Hope this has been helpful. Good luck!

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

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

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From: Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Sent: Friday, November 3, 2023 3:42 PM
To: Williams, Melina <Williams.Melina@epa.gov>; Palmer, Karen <Palmer.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Second Conformity Challenge - Introducing Lucy Brown

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

All,

I know it's been a while since we connected. BLM is seeking a voluntary remand without vacatur, in part, to reexamine the air emission analysis in the EA. I wanted to give you the opportunity to review the background section in the brief regarding conformity determinations. Please provide any proposed changes by COB Monday (11/6). I've also attached the complaint if you want more context on the case.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Thank you,

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

From: Williams, Melina <Williams.Melina@epa.gov>
Sent: Monday, August 28, 2023 10:23 AM
To: Palmer, Karen <Palmer.Karen@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Brown, Lucy E. (ENRD) <Lucy.E.Brown@usdoj.gov>
Subject: [EXTERNAL] FW: Second Conformity Challenge - Introducing Lucy Brown

Hi Karen,

I just realized that I did have the complaint on Paul's original email, so I'm forwarding it as well, so you have the attachment too.

Thanks,
Melina

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

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From: Caintic, Paul (ENRD) <Paul.Caintic@usdoj.gov>
Sent: Monday, August 28, 2023 3:45 PM
To: Williams, Melina <Williams.Melina@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Brown, Lucy E. (ENRD) <lucy.e.brown@usdoj.gov>
Subject: Second Conformity Challenge - Introducing Lucy Brown

Hi Melina,

I want to connect you with my DOJ colleague, Lucy Brown (cc'd). Lucy has a case where plaintiff environmental orgs challenge a conformity determination issued by the Bureau of Land Management for various oil drilling permits in the San Joaquin Valley area. I told Lucy that you (and Abi) have both helped me interpret EPA's conformity regulations, and I'm hoping you can be a resource for her too.

FYI, this is the second conformity determination challenge that we are aware of. It was also filed in E.D. Cal., but by different plaintiffs than the Calwa case.

Thanks!
Paul

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/1/2024 1:13:03 PM
To: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]
CC: Smith, Isabella [Smith.Isabella@epa.gov]
Subject: RE: BLM Oil & Gas in SJV General Conformity Issue
Attachments: Meeting Request 2024 0717.pdf; FIRST_AMENDED_COMPLAINT.pdf

Hi Kara,

I goofed and mixed up subject matters, we thankfully DO have an attorney covering general conformity! Bella Smith (cc'd) picked up this portfolio for OGC and was able to work with Karen on it for a bit before she retired. Please reach out to Bella as needed here, 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: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>
Sent: Tuesday, July 30, 2024 6:13 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: BLM Oil & Gas in SJV General Conformity Issue

Hi Abi – are you back?! Yay! I'm attaching a meeting request from Earthjustice and others to discuss BLM's issuance of "permits to drill" to oil & gas companies in the SJV. The groups sued BLM on June 22, 2023, and filed an amended complaint on July 8, 2024 (also attached). The complaint alleges a CAA general conformity violation and several allegations re NEPA and non-EPA statutes. Lucy Brown at DOJ is representing BLM on the CAA general conformity claims.

Ex. 5 AC/AWP/DP

Thank you! Hope you had a nice break!

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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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/2/2024 12:38:45 AM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; James, Corin [James.Corin01@epa.gov]
Subject: RE: Sorry, I said yes before I should have....
Attachments: Texas v EPA - 23-60616 - Fifth Circuit - EPAs Answering Brief.pdf

Our final brief attached.

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: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, August 1, 2024 8:20 PM
To: James, Corin <James.Corin01@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

C:

Yes. I am still pondering and digging around a little and will probably add some more later.

Ex. 5 AC/AWP/DP

G

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, August 1, 2024 7:20 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

Sounds good, thanks Abi!

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Thursday, August 1, 2024 7:09 PM
To: James, Corin <James.Corin01@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

I think Geoff stepped away for dinner, and am not totally sure of his plans afterwards. Let's just plan to send the paper in the morning at this point!

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: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, August 1, 2024 7:07 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

Hey Geoff, just tried to call to touch base on the paper. I can give it another read and plan to send along to Susannah in the morning if you're still working on it. Let me know.

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, August 1, 2024 5:36 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

Ex. 5 AC/AWP

From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, August 1, 2024 5:03 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

I need to step away for a bit, but will check back later on the brainstorm document.

Ex. 5 AC/AWP

From: James, Corin
Sent: Thursday, August 1, 2024 2:41 PM
To: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Sorry, I said yes before I should have....

No, that's okay! I'll keep working on them now... we can touch base later too.

From: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, August 1, 2024 2:39 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Sorry, I said yes before I should have....

C:

I should have asked if you want to keep working on the SW bullet points more tomorrow or whatever. I know we have a lot of simultaneous "lines of inquiry" going on here still. (Just like detectives in a murder mystery show!).

G

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/12/2024 9:55:17 PM
To: Graham, Cheryl [Graham.Cheryl@epa.gov]
CC: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Subject: RE: new mandatory duty suit NOI
Attachments: 2024-08-12 - CCAEJ v. EPA (HD IM) Complaint.pdf

Hi Cheryl,

Thank you for adding this NOI to OneDocket! We also just received the associated complaint, it's attached. Jesse Lueders from Region 9 ORC will be taking the lead for this case and I can help as needed to facilitate the procedural steps. Thanks again!

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, August 8, 2024 3:59 PM
To: Graham, Cheryl <Graham.Cheryl@epa.gov>
Cc: Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>
Subject: new mandatory duty suit NOI

Hi Cheryl,

Hope you're doing well! We received the attached NOI, and Jesse Lueders from Region 9 ORC (cc'd) will be the lead on any related litigation. Could you please help to get this one on OneDocket and posted to the web? 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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/12/2024 10:03:41 PM
To: martha.mann@usdoj.gov [Martha.Mann@usdoj.gov]
CC: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Subject: new CAA mandatory duty suit
Attachments: 2024-08-12 - CCAEJ v. EPA (HD IM) Complaint.pdf

Hi Martha,

Hope you're doing well, we just received the attached mandatory duty suit seeking to compel EPA to take action on a California heavy duty inspection/maintenance SIP submission. Jesse Lueders from Region 9 ORC is taking the EPA lead for this case, can you please let us know who from DOJ will be assigned? 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
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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/12/2024 10:07:51 PM
To: Patulski, Meg [patulski.meg@epa.gov]
CC: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Subject: California heavy duty I/M mandatory duty suit
Attachments: 2024-08-12 - CCAEJ v. EPA (HD IM) Complaint.pdf

Hi Meg,

We just received the attached mandatory duty suit for a California heavy duty I/M SIP submission. As this is the only claim in this suit, Jesse Lueders from Region 9 ORC (cc'd) has kindly agreed to take the lead on this case. I am waiting to hear from DOJ on an attorney assignment from their shop. Please let Jesse know if you/OTAQ would like to discuss at any point regarding settlement considerations.

Jesse, not sure if you've worked with Meg or her team in OTAQ, but they're the national program leads for I/M so we'll want to make sure to coordinate with them as appropriate here .

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/28/2024 2:17:47 PM
To: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: prior EPA error correction notices - FW: Q on 110(k)(6) actions and OMB review
Attachments: Error Correction - TX Haze Background

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

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

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From: James, Corin <James.Corin01@epa.gov>
Sent: Tuesday, August 13, 2024 9:39 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Q on 110(k)(6) actions and OMB review

Ex. 5 AC/DP

Happy to talk through/review anything as you're drafting the actions too, just let me know.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Tuesday, August 13, 2024 9:10 AM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; James, Corin <James.Corin01@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Q on 110(k)(6) actions and OMB review

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: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Tuesday, August 13, 2024 8:49 AM
To: James, Corin <James.Corin01@epa.gov>

Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: Re: Q on 110(k)(6) actions and OMB review

Ex. 5 AC/DP

From: James, Corin <James.Corin01@epa.gov>
Sent: Monday, August 12, 2024 5:03 PM
To: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Q on 110(k)(6) actions and OMB review

Ex. 5 AC/DP

From: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>
Sent: Monday, August 12, 2024 3:30 PM
To: James, Corin <James.Corin01@epa.gov>
Cc: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: Q on 110(k)(6) actions and OMB review

Hi Corin,

Ex. 5 AC/DP

Thanks,
Seth

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/28/2024 5:43:38 PM
To: Thrift, Mike [thrift.mike@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]
CC: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: RE: Legal assessment for secondary NAAQS nonattainment plan obligations
Attachments: 1992 General Preamble.pdf

Great thought, Mike, attaching the 1992 General Preamble here in case Bella doesn't already have it readily available!

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: Wednesday, August 28, 2024 1:41 PM
To: Smith, Isabella <Smith.Isabella@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Legal assessment for secondary NAAQS nonattainment plan obligations

Ex. 5 AC/DP

From: Smith, Isabella <Smith.Isabella@epa.gov>
Sent: Wednesday, August 28, 2024 7:10 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: RE: Legal assessment for secondary NAAQS nonattainment plan obligations

Hi Abi,

Thanks for taking the time to explain this. I will carve out some time to look into this today, though of course welcome Mike's thoughts if he has any on the topic. I will let you know if I have any questions and hopefully will have something more conclusive for tomorrow's meeting. Thanks!

Best,
Bella

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, August 28, 2024 9:31 AM
To: Smith, Isabella <Smith.Isabella@epa.gov>

Cc: Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Subject: Legal assessment for secondary NAAQS nonattainment plan obligations

Hi Bella,

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/28/2024 11:29:25 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: RE: Filing Requested in Texas v. EPA (SO2 case)
Attachments: ENV_DEFENSE-#1243655-v1-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper_Ohio+EPA.docx

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

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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
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perry.rosen@usdoj.gov

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Environment Defense Section
4 Constitution Square
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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 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

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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
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perry.rosen@usdoj.gov

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Environment Defense Section
4 Constitution Square
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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

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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
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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
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Environmental Defense Section
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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)

CUI//PRIVILEGE

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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
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United States Department of Justice
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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)

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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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/30/2024 2:46:54 AM
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
Attachments: ENV_DEFENSE-#1243655-v3-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper_&_Ohio.DOCX

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

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

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From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 8/30/2024 5:53:02 PM
To: Thrift, Mike [thrift.mike@epa.gov]
Subject: Vijayan, Abi mentioned you in "ENV_DEFENSE-#1243655-v3-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper__OhioSW".

-->

-->

ENV_DEFENSE-#1243655-v3-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper__OhioSW.docx

@

WS **Weaver, Susannah** left a comment

Ex. 5 AC/AWP/DP

VA **Vijayan, Abi** mentioned you

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Go to comment

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Sent: 8/30/2024 8:10:44 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: RE: Filing Requested in Texas v. EPA (SO2 case)
Attachments: ENV_DEFENSE-#1243655-v3-Texas_v__EPA_(SO2)_Ltr_Brief_re_Loper__Ohio_EPA comments 8.30.24.docx

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

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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
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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: 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

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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
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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

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(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

Perry M. Rosen
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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)

CUI//PRIVILEGE

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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
Senior Attorney
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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

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 9/11/2024 9:56:02 PM
To: Williams, Melina [Williams.Melina@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Berry, Laura [berry.laura@epa.gov]
Subject: transportation conformity issue in brief to be filed Monday - 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

Importance: High

Hi all,

Ex. 5 AC/AWP/DP

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 9/13/2024 7:00:13 PM
To: Williams, Melina [Williams.Melina@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

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: 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

Appointment

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
on behalf of Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 9/16/2024 1:10:21 PM
To: Gerstenberger, Erika [Gerstenberger.Erika@epa.gov]

Subject: FW: 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 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

-----Original Appointment-----
From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Friday, August 9, 2024 1:22 PM
To: Hostetler, Eric (ENRD); O'Donnell, Jessica (ENRD); Lipshultz, Jon (ENRD); Buckley, Sarah (ENRD); Chen, Sue (ENRD); Brown, Lucy E. (ENRD); Littleton, Matthew (ENRD); Maxwell, Gus (ENRD); Pinkston, Daniel (ENRD)
Cc: Rogers, Cherie (ENRD); Baskett, Jhana L (ENRD); Boydston, Michael; Williams, Melina; Mills, Derek; Pettit, Elizabeth (Libby); Fulton, Abby; Talbert, Stephanie; Volk, Everett; Smith, Isabella; Vijayan, Abi; Ling, Michael; Berry, Laura
Subject: Moot Court: Coalition for Biological Diversity v. EPA (10th Cir.) (challenge to partial approval of Denver ozone SIP)
When: Wednesday, September 18, 2024 3:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 9/26/2024 1:56:57 AM
To: Caintic, Paul (ENRD) [Paul.Caintic@usdoj.gov]; Bianco, Karen [Bianco.Karen@epa.gov]
CC: Hammons, Jeffrey (ENRD) [Jeffrey.Hammons@usdoj.gov]
Subject: RE: TX Ozone FFS - List of Questions

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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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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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

> **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.

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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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 9/27/2024 4:03:07 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

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: 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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 10/10/2024 2:12:14 PM
To: James, Corin [James.Corin01@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: RE: CM guidance check-in

Ex. 5 AC/DP

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From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, October 10, 2024 10:03 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CM guidance check-in

CUI//PRIVILEGE

Ex. 5 AC/DP

Ex. 5 AC/DP

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From: James, Corin
Sent: Wednesday, October 9, 2024 5:30 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: CM guidance check-in

Well, I will surmise from the radio silence that everyone is too busy to think about this 😊

I'll try to devote some time to this tomorrow. Let me know if there are other bigger picture things that we need to address that come to mind…

From: James, Corin
Sent: Wednesday, October 9, 2024 9:44 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: CM guidance check-in

Hello illustrious CM guidance team – I just wanted to check in on a couple outstanding items that we still need to incorporate into the current draft of the CM guidance:

Ex. 5 AC/DP

For my part, I will be out next week (back Tuesday Oct 22) and I have a number of things I'm trying to wrap up this week but I know everyone has a lot going on so just wanted to check in and see if we can come up with a game plan.

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 10/10/2024 2:13:30 PM
To: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]; James, Corin [James.Corin01@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: CM guidance check-in

Ex. 5 AC/DP

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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: Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Sent: Thursday, October 10, 2024 10:12 AM
To: James, Corin <James.Corin01@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CM guidance check-in

CUI//PRIVILEGE

C:

Ex. 5 AC/DP

G

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From: James, Corin <James.Corin01@epa.gov>
Sent: Thursday, October 10, 2024 10:03 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>

Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: CM guidance check-in

CUI//PRIVILEGE

Ex. 5 AC/DP

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Controlled by U.S. Environmental Protection Agency

From: James, Corin
Sent: Wednesday, October 9, 2024 5:30 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: CM guidance check-in

Well, I will surmise from the radio silence that everyone is too busy to think about this ☺

I'll try to devote some time to this tomorrow. Let me know if there are other bigger picture things that we need to address that come to mind…

From: James, Corin
Sent: Wednesday, October 9, 2024 9:44 AM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: CM guidance check-in

Ex. 5 AC/DP

For my part, I will be out next week (back Tuesday Oct 22) and I have a number of things I'm trying to wrap up this week but I know everyone has a lot going on so just wanted to check in and see if we can come up with a game plan.

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 10/16/2024 4:34:55 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]
Subject: RE: Heads Up on Louisville Ozone

Props to Bob for beating me to the punch!

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

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

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

From: Vijayan, Abi
Sent: Wednesday, October 16, 2024 12:32 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>
Subject: RE: Heads Up on Louisville Ozone

Ex. 5 AC/DP

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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: 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

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

Ex. 5 AC/DP

Denisse

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 10/17/2024 1:08:01 PM
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
Attachments: NOI Louisiville Redesignation FINAL.pdf

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

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

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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 McAloon
OGC Librarian, Contractor – ADS Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
Library Hours: 9:30 to 4

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 10/17/2024 1:08:57 PM
To: Graham, Cheryl [Graham.Cheryl@epa.gov]
Subject: RE: Docket Alert for the Case of Commonwealth Of Kentucky Et Al V. U.S. Environmental Protection Agency Et Al
Attachments: NOI Louisiville Redesignation FINAL.pdf

Hi Cheryl,

Apologies, Region 4 sent it to us in June while I was on vacation and I failed to send it to you after I got back. It's attached, 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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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

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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 McAloon
OGC Librarian, Contractor – ADS Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
Library Hours: 9:30 to 4

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 10/28/2024 10:00:45 PM
To: Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]; Svingen, Eric [Svingen.Eric@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Spann, Jane [Spann.Jane@epa.gov]; Simon, Heather [Simon.Heather@epa.gov]; Wells, Benjamin [Wells.Benjamin@epa.gov]
CC: Leffert, Kaitlyn (she/her/hers) [Leffert.Kaitlyn@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; 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]; Frizzell, Gretchen (she/her/hers) [Frizzell.Gretchen@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Gross, Louise C [gross.louise@epa.gov]
Subject: RE: Louisville (2015 O3) | CM triggering in split NAA
Attachments: RE: Heads Up on Louisville Ozone

Hi all,

Ex. 5 AC/AWP/DP

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

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

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

From: Lingard, Robert (he/him/his) <Lingard.Robert@epa.gov>
Sent: Monday, October 28, 2024 1:57 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: RE: Louisville (2015 O3) | CM triggering in split NAA

Thanks everybody for getting together this morning. A few takeways below, and please reply all with any revisions or additions.

Ex. 5 AC/AWP/DP

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

-----Original Appointment-----
From: Lingard, Robert (he/him/his)
Sent: Thursday, October 17, 2024 11:56 AM
To: Lingard, Robert (he/him/his); 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
Cc: 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
Subject: Louisville (2015 O3) | CM triggering in split NAA
When: Monday, October 28, 2024 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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

Ex. 5 AC/AWP/DP

Microsoft Teams Need help?

Ex. 6 Personal Privacy (PP)

Dial in by phone

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 11/12/2024 4:47:01 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: RE: Louisville check-in

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")

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, November 12, 2024 11:30 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville check-in

CUI//PRIVILEGE

Abi,

Ex. 5 AC/AWP/DP

Kaytrue

Ex. 5 AC/AWP/DP

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 11/21/2024 8:58:18 PM
To: Christenson, Kara (she/her/hers) [Christenson.Kara@epa.gov]; Messing, Aaron [Messing.Aaron@epa.gov]; Wehling, Jefferson [Wehling.Jefferson@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: SJV 1997 PM extension lawsuit
Attachments: 24-6990.pdf; US_DIS_CAND_3_24cv7768_d131281156e443_COMPLAINT_for_Injunctive_and_Declaratory_Relief_ag.pdf

Hi all,

As expected, we've received the attached 9th Cir lawsuit over our extension for the SJV 1997 PM attainment date extension. Yasmín will be covering this one for OGC, could you please let me know who will cover for ORC so I can transmit names to DOJ? Also, to the extent there's overlap with the attached mandatory duty suit that was recently filed for the DAAD and that Aaron and Jeff are already covering, please also work with Yasmín as needed for this new 9th Cir case. Thank you!

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: OGCLibrary <OGCLibrary@epa.gov>
Sent: Wednesday, November 20, 2024 7:44 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 Little Manila Rising, et al. v. United States Environmental Protection Agency, et al.

Good morning,

Alert attached for case 24-6990.

Regards,



OGC Librarian, Contractor – **ADS** Agile Decision Sciences
US Environmental Protection Agency, Wash., D.C.
Library Hours: 9:30 to 4

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 11/22/2024 8:34:34 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: RE: Louisville ozone redesignation deadline suit

The answer is due 12/13.

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: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, November 22, 2024 3:31 PM
To: Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville ozone redesignation deadline suit

When is our answer due? Ie, how fast could the litigation move?

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

From: Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Sent: Friday, November 22, 2024 3:14 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Louisville ozone redesignation deadline suit

Ex. 5 AC/AWP/DP

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, November 22, 2024 3:09 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>
Subject: FW: Louisville ozone redesignation deadline suit

Ex. 5 AC/AWP/DP

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

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Friday, November 22, 2024 12:27 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Cc: Hansen, Susan <Hansen.Susan@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>
Subject: Re: Louisville ozone redesignation deadline suit

Ex. 5 AC/AWP/DP

Sent from my iPhone

On Nov 22, 2024, at 11:43 AM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:

Ex. 5 AC/AWP/DP

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

-----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
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)

Dial in by phone

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/3/2024 3:28:10 PM
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 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

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

Controlled by U.S. Environmental Protection Agency

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:

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

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

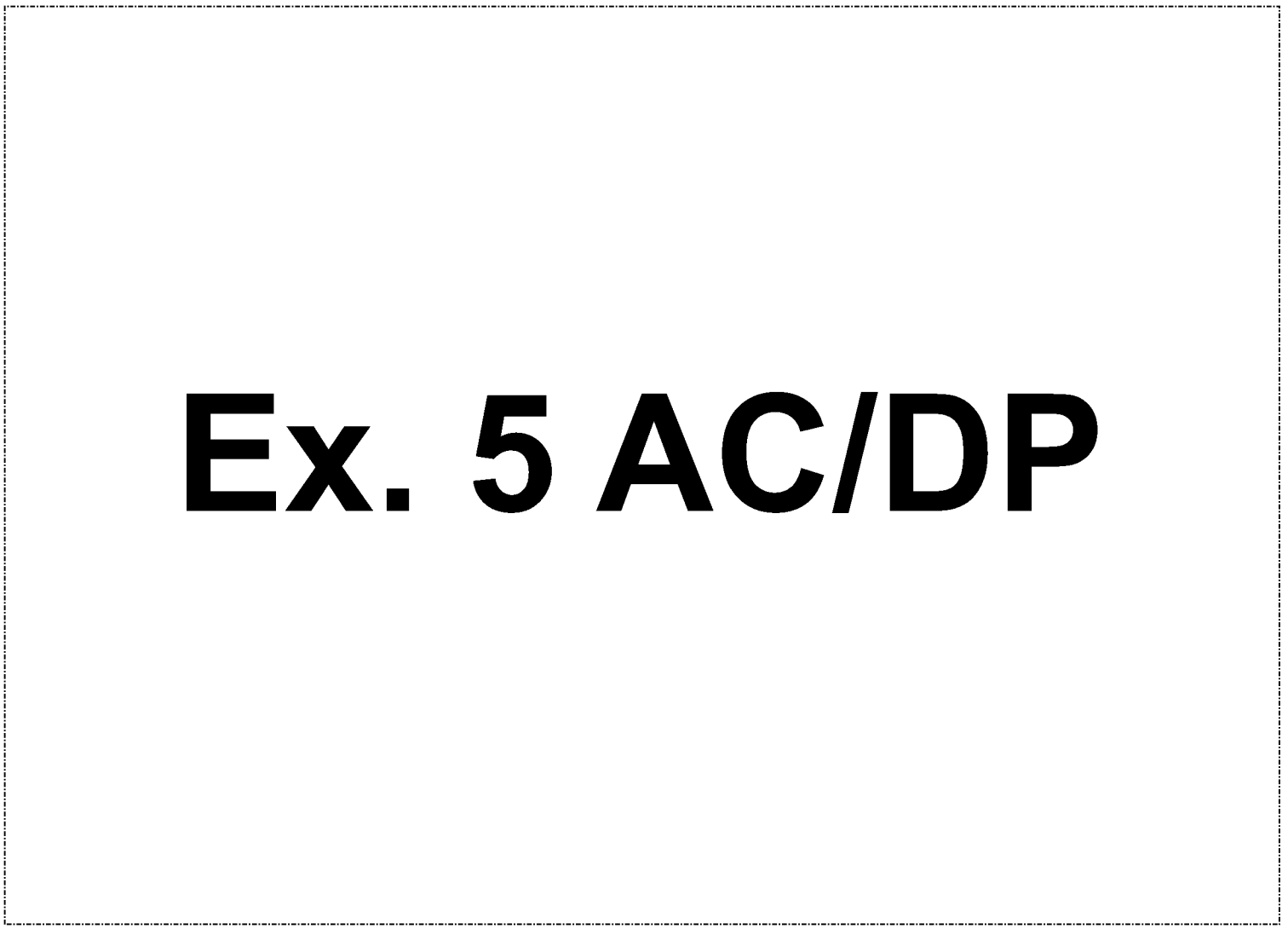
Ex. 5 AC/DP

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.



G

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/4/2024 1:19:39 AM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
CC: Wilcox, Geoffrey [wilcox.geoffrey@epa.gov]
Subject: FW: New Petition for Review - SJV PM2.5 Contingency Measure SIP Final Rule
Attachments: CBA v. EPA_Petition for Review_12022024.pdf

It's here…(congrats on ANOTHER lawsuit, so excited for you to get this valuable experience!)

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: Wehling, Jefferson <Wehling.Jefferson@epa.gov>
Sent: Tuesday, December 3, 2024 6:17 PM
To: Mays, Rory <Mays.Rory@epa.gov>
Cc: Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: New Petition for Review - SJV PM2.5 Contingency Measure SIP Final Rule

Rory:

Attached is a petition for review of our contingency measure SIP action that was filed yesterday in the Ninth Circuit.

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/4/2024 1:34:12 PM
To: Graham, Cheryl [Graham.Cheryl@epa.gov]
CC: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: FW: Docket Alert for the Case of Committee for A Better Arvin, et al. v. United States Environmental Protection Agency, et al.
Attachments: 24-7270.pdf

Hi Cheryl,

Hope you're doing well! This case is in my group and Yasmín is the lead attorney, could you please help us create a new OneDocket entry for the case? Thank you!

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: OGCLibrary <OGCLibrary@epa.gov>
Sent: Wednesday, December 4, 2024 8:01 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 Committee for A Better Arvin, et al. v. United States Environmental Protection Agency, et al.

Good morning,

Alert attached for case 24-7270.

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/4/2024 1:55:24 PM
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: new 9th Circuit CAA case
Attachments: 24-7270.pdf

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/5/2024 6:47:44 PM
To: Orlin, David [Orlin.David@epa.gov]
Subject: RE: Commonwealth of Kentucky v. EPA (PM NAAQS) - Moot Court

Thanks David, I am planning on going to the moot in person so appreciate your adding my name to the list. Please go ahead and forward to both Amanda and Gautam, and I think just drop a note in the forward asking them to let you know asap if they want to attend in person (I can't imagine they will).

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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From: Orlin, David <Orlin.David@epa.gov>
Sent: Thursday, December 5, 2024 12:48 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: Commonwealth of Kentucky v. EPA (PM NAAQS) - Moot Court

So it looks like you dropped off this version of the invite--- not sure why but I will forward it, and probably tell DOJ we both are currently planning on attending in person (easier to change your mind later).

Meghan Greenfield is copied on this invite—I don't remember if we've discussed who from the front office should be invited but should I forward it to Amanda? (or Gautam?) (should I ask if any of them plan to attend in person?)

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

-----Original Appointment-----
From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Thursday, December 5, 2024 12:16 PM
To: St. Romain, Alexandra (ENRD); O'Donnell, Jessica (ENRD); Hostetler, Eric (ENRD); Chen, Sue (ENRD); Lipshultz, Jon (ENRD); Orlin, David; Cates, Redding (ENRD); Hammons, Jeffrey (ENRD); Hinojos, Cameron (ENRD)
Cc: Smith, Tawana (ENRD); Perlmutt, Lars; Baskett, Jhana L (ENRD); Sacks, Jason (he/him/his); Coffman, Evan; Greenfield, Meghan; Cazzulino, Pablo (ENRD); Wilcox, Geoffrey; Perez Ortiz, Yasmin; Jones, Anthony
Subject: Commonwealth of Kentucky v. EPA (PM NAAQS) - Moot Court
When: Monday, December 16, 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?

Join the meeting now

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/10/2024 6:04:20 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
Attachments: NOI Louisiville Redesignation FINAL.pdf

Hi Kaytrue,

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/10/2024 7:15:19 PM
To: Graham, Cheryl [Graham.Cheryl@epa.gov]
CC: Lueders, Jesse (he/him/his) [Lueders.Jesse@epa.gov]
Subject: availability to process a 113(g) notice?
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

Hi Cheryl,

Hope you are enjoying your WELL-DESERVED leave! Gautam mentioned you're checking email here and there, so we would appreciate if you could let us know if you can help us to process a 113(g) notice for a proposed CD that Gautam and DOJ have signed off on. The materials are attached – if you do see this email but are not able to work on this for any reason, I'd appreciate if you could just let me know that so we can figure out an alternative plan on our end. Thanks so much!

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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/10/2024 8:27:56 PM
To: Marks, Matthew [Marks.Matthew@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: TOA write ups for NAAQS Group
Attachments:

Ex. 5 AC/DP

Hi Matt, Gautam –

I would like to give out the following TOAs, write-ups attached. My group has been going above and beyond on numerous projects in addition to the day to day work, so would be wonderful to recognize people's efforts in this way. Please let me know if you have any questions or if I can proceed to send these to Judy and Sam, thanks!

P.S. oof my fingers are cramped.

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/13/2024 3:58:05 PM
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
Attachments:

Ex. 5 AC/DP

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/16/2024 3:29:52 PM
To: Sasser, Erika [Sasser.Erika@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Weaver, Chris [Weaver.Chris@epa.gov]
CC: 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: RE: Oral Argument, Monday Dec. 16, in DC Circuit challenge to 2024 PM NAAQS

FYI for those interested in tuning into the livestream, the 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

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

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From: Orlin, David <Orlin.David@epa.gov>
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

Ex. 5 AC/AWP/DP

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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/16/2024 5:21:31 PM
To: OGC SIP Group [OGC_SIP_Group@epa.gov]
Subject: SIP Group Lunch agenda for tomorrow
Attachments: 2024.12.06 - 6th Cir GNP Disapproval decision.pdf

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.

***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/DP

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

Controlled by U.S. Environmental Protection Agency

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/16/2024 5:40:31 PM
To: Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Great, thank you!

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 16, 2024 12:39 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Done. I uploaded our response and Petitioners' replies.

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: Monday, December 16, 2024 12:27 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Will do!

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

she/her/hers

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Monday, December 16, 2024 12:25 PM
To: Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>
Subject: RE: [EXTERNAL] RE: Little Manila Rising v. EPA

Thanks, Yasmín! Please do add the documents and relevant filing deadlines to OneDocket when you have a moment.

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 16, 2024 12:23 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: [EXTERNAL] RE: Little Manila Rising v. EPA

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

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

All—

Ex. 5 AC/AWP/DP

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 o 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

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

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

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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

> **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

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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Ex. 5 AC/AWP/DP

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

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: Orlin, David [Orlin.David@epa.gov]
Sent: 12/16/2024 8:40:34 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

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>
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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/16/2024 9:03:50 PM
To: Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]
Subject: FW: Detroit and PM NAAQS oral argument summaries
Attachments: Summary of 12/12/2024 Oral Argument in the 6th Circuit challenging Detroit Exceptional Events Concurrence and Redesignation; Oral Argument Summary: Kentucky v. EPA, DC Circuit challenge to 2024 PM NAAQS

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: Vijayan, Abi
Sent: Monday, December 16, 2024 3:51 PM
To: Mathias, Scott <Mathias.Scott@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>
Subject: Detroit and PM NAAQS oral argument summaries

Hi Scott, Vera –

Following up our meeting earlier today, attached are summaries of both the Detroit and PM NAAQS oral arguments. Please let me know if you have any questions about either, 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

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

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/17/2024 8:46:43 PM
To: Nolbaum, Seth (he/him/his) [Nolbaum.Seth@epa.gov]
Subject: FW: Billings SO2 FIP Revision (SSM) FR for OAQPS and OGC Concurrence
Attachments: 11571-02-R8_20241002_Billings Laurel FIP Revision FR_ADMIN.docx; BECKER_ACTION MEMO Billings Laurel SO2 FR.docx; Comm Plan_Billings Laurel SO2 FIP Revision FR.docx; INTERNAL FACT SHEET_Billings Laurel FIP FR.docx

Hi Seth,

I see Stephanie's other email noting we received only supportive comments, are you able to take a quick look at this package and let me know if we can concur as R8 has requested? Let me know if we need to negotiate terms with R8, 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

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From: Clark, Adam <Clark.Adam@epa.gov>
Sent: Tuesday, December 17, 2024 3:32 PM
To: Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Lawrence, Sydney <lawrence.sydney@epa.gov>
Cc: Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Vetter, Cheryl <Vetter.Cheryl@epa.gov>; Mathias, Scott <Mathias.Scott@epa.gov>; Fulton, Abby <Fulton.Abby@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; McEathron, Kimberly (she/her/hers) <McEathron.Kimberly@epa.gov>; Jackson, Scott (he/him/his) <Jackson.Scott@epa.gov>; Sandoval, Adrienne <Sandoval.Adrienne@epa.gov>
Subject: Billings SO2 FIP Revision (SSM) FR for OAQPS and OGC Concurrence

Hello all,

Per the FIP Process Guide for obtaining the Administrator's signature on FIP actions, Region 8 is submitting the following for OAQPS (Scott) and OGC (Abi) review and email concurrence:

- Draft final rule
- Action memo
- Action information/Fact sheet
- Communication plan

We received one supportive comment on our 10/15/24 proposal, and did not receive any adverse comments.

This should come as no surprise, but TIME IS OF THE ESSENCE!!! Let me know if you have any questions.

Thank you!

Adam Clark

Air Planning and Regulatory Section
EPA Region 8

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 12/17/2024 9:42:27 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]
Subject: Time off awards - thank you!!
Attachments: Kaytrue Staley TOA-2 Dec 2024.pdf; Kaytrue Staley TOA-3 Dec 2024.pdf; Kaytrue Staley TOA-4 Dec 2024.pdf; Kaytrue Staley TOA-5 Dec 2024.pdf; Kaytrue Staley TOA Dec 2024.pdf

Hi Kaytrue,

Ex. 5 AC/DP

Thanks and happy holidays!

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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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 two page form for all Individual Cash Awards, On-the-Spot Awards and Time-Off Awards for records:**
   Not under your security in FPPS;
   Amount of award is $5000 or greater; or
   FY cumulative amount is $5000 or greater
4. **Provide a copy of the completed form to the employee when the electronic award has processed.**

Employee Name: Kaytrue 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

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 1/7/2025 6:17:22 PM
To: Ting, Kaytrue [Ting.Kaytrue@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]
Subject: FW: Petition to Redesignate Berkeley (SC) and Warrick (IN) Counties
Attachments: 25-01195-AO-EX_Correspondence_Unknown Unknown_2024.12.17 SO2 NAAQS Pet. for Redesignation EIP et al..pdf; 25-01195-AO-EX_Correspondence_Unknown Unknown_Att. A - Dr. Gray Century Mt. Holly Model.pdf; 25-01195-AO-EX_Correspondence_Unknown Unknown_Att. B - Dr. Gray Alcoa Warrick Model.pdf; 25-01195-AO-EX_Correspondence_Unknown Unknown_Att. C - Mt. Holly EJScreen Community Report.pdf; 25-01195-AO-EX_Correspondence_Unknown Unknown_Att. D - Alcoa Warrick EJScreen Community Report.pdf; 25-01195-AO-EX_Correspondence_Unknown Unknown_IncomingSourceEmail.pdf; Lee-S-25-01195-AO Response 12-26-25.pdf

Hi Kaytrue, Yasmín –

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, January 7, 2025 12:50 PM
To: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Subject: RE: Petition to Redesignate Berkeley (SC) and Warrick (IN) Counties

Hi Dylan,

Hope you and your family had a lovely holiday season and start to the new year!

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: Mataway-Novak, Dylan (he/him/his) <Mataway-Novak.Dylan@epa.gov>
Sent: Tuesday, January 7, 2025 11:55 AM
To: Akers, Brad (he/him/his) <Akers.Brad@epa.gov>; Bradley, Twunjala <Bradley.Twunjala@epa.gov>; Arra, Sarah (she/her/hers) <Arra.Sarah@epa.gov>
Cc: Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Aburano, Douglas <aburano.douglas@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: FW: Petition to Redesignate Berkeley (SC) and Warrick (IN) Counties
Importance: High

Hi Region 4, Region 5, and OGC,

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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return email and delete this email and any attachments from your system.

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 1/21/2025 1:45:52 PM
To: Higgins, Elliot (ENRD) [Elliot.Higgins@usdoj.gov]
CC: James, Corin [James.Corin01@epa.gov]; Gross, Louise C [gross.louise@epa.gov]; Cecala, Ian [cecala.ian@epa.gov]
Subject: RE: Ohio nuisance remand - final rule available for public inspection
Attachments: OH_NuisanceRule2_NFR.pdf

Hi Elliot,

And the notice did indeed get published, attached!

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: Higgins, Elliot (ENRD) <Elliot.Higgins@usdoj.gov>
Sent: Friday, January 17, 2025 2:23 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>
Subject: RE: Ohio nuisance remand - final rule available for public inspection

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

Thanks, Abi, same to you! And thanks for this good news re the Rule – very much appreciate the EPA team's efforts on this!

I'll pass this info on to Sierra Club, since they were recently asking about it.

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Friday, January 17, 2025 9:39 AM
To: Higgins, Elliot (ENRD) <Elliot.Higgins@usdoj.gov>
Cc: James, Corin <James.Corin01@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; Cecala, Ian <cecala.ian@epa.gov>
Subject: [EXTERNAL] Ohio nuisance remand - final rule available for public inspection

Hi Elliot,

Hope you had a good holiday season and lovely start to the new year! Our final action in response to the 6th Circuit remand is available for public inspection today on OFR's website, and is scheduled to be published in the FR on Tuesday. The link to the notice available for public inspection is here, defer to you as to whether and how to share with Petitioners. 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: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 1/21/2025 1:54:25 PM
To: Snyder, Doug [Snyder.Doug@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]
CC: Thomas, Donzetta [Thomas.Donzetta@epa.gov]
Subject: RE: PA Redesignations
Attachments: 10536-01-R3_signed (2).docx

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: Snyder, Doug <Snyder.Doug@epa.gov>
Sent: Tuesday, January 21, 2025 8:53 AM
To: Stephens, Ryan <Stephens.Ryan@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Thomas, Donzetta <Thomas.Donzetta@epa.gov>
Subject: RE: PA Redesignations

CUI//PRIVILEGE

Abi,

Ex. 5 AC/AWP/DP

Doug

Controlled by U.S. Environmental Protection Agency

From: Stephens, Ryan <Stephens.Ryan@epa.gov>
Sent: Tuesday, January 21, 2025 8:47 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>
Cc: Snyder, Doug <Snyder.Doug@epa.gov>; Thomas, Donzetta <Thomas.Donzetta@epa.gov>
Subject: PA Redesignations

CUI//PRIVILEGE

Good morning Abi,

Ex. 5 AC/AWP/DP

Please let me know if you need any additional information.

Thank you,
Ryan

Ryan Stephens
As | Counsel
U: tic Region
Pl 696
Er /an@epa.gov

Controlled by U.S. Environmental Protection Agency

Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 1/22/2025 10:47:27 PM
To: Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]; Seidman, Emily [seidman.emily@epa.gov]
Subject: RE: January 2025 ORC/OGC SIP Group Call

Hi Hali,

I can (briefly, so briefly given we ourselves don't have a ton of intel) touch on the requested transition topics.

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: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 5:05 PM
To: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Sounds great, Emily. Dropping the rest of the transport team for now.

Ex. 5 AC/AWP/DP

Any thoughts on this, and whether to have an actual agenda item on it? I assume we'll get the question either way.

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

Controlled by U.S. Environmental Protection Agency

From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Wednesday, January 22, 2025 4:59 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, January 22, 2025 10:33 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

Thoughts?

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 10:24 AM
To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Futerman, Andrew (he/him/his) <Futerman.Andrew@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Ogbodo, Ndubisi <Ogbodo.Ndubisi@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Bailey, Ashten <Bailey.Ashten@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Jones-Cobb, Brandon <JonesCobb.Brandon@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Gardner, Allison (she/her/hers) <Gardner.Allison@epa.gov>; Ghose, Debashis <Ghose.Debashis@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Logan, Paul (he/him/his) <Logan.Paul@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; Martinez, Michael <Martinez.Michael.R@epa.gov>; Puplampu, William <puplampu.william@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Walters, Julie <Walters.Julie@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>; Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; England, JJ <England.Jj@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Parke, Nicolas <Parke.Nicolas@epa.gov>; Zaharoff, Josh (he/him/his) <Zaharoff.Josh@epa.gov>; Finkle, Jacob (he/him/his) <Finkle.Jacob@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Schluter, Catherine (she/her/hers)

<Schluter.Catherine@epa.gov>; Khalsa, Dharma (she/her/hers) <Khalsa.Dharma@epa.gov>; Palumbo, Antonette <Palumbo.Antonette@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Getz, Jamie <Getz.Jamie@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; James, Corin <James.Corin01@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Short, Ashley (she/her/hers) <Short.Ashley@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vetterick, Kate <Vetterick.Kate@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Yip, Emma (she/her/hers) <Yip.Emma@epa.gov>; Rivera, Nina (she/her/hers) <Rivera.Nina@epa.gov>
Cc: Pfister, Maria <Pfister.Maria@epa.gov>; Williams, Danurius <Williams.Danurius@epa.gov>; Gargan, Henry <Gargan.Henry@epa.gov>; McLean, Megan <McLean.Megan@epa.gov>
Subject: January 2025 ORC/OGC SIP Group Call

Happy New Year, all!

Tomorrow is our first ORC/OGC SIP Group call of 2025**! If you have any proposed agenda items for tomorrow's call, please send them to me by COB today.** Apologies for the late ask; the Monday holiday threw me off.

Thank you,
Hali

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

-----Original Appointment-----
From: Kerr, Hali (she/her/hers)
Sent: Thursday, May 9, 2024 11:15 AM
To: Kerr, Hali (she/her/hers); Greenglass, Nora; Futerman, Andrew (he/him/his); Gallegos, Jacob; Pettit, Elizabeth (Libby); Vargas, Aaron; Ogbodo, Ndubisi; Messing, Aaron; Bailey, Ashten; Bianco, Karen; Bigioni, Neil (he/him/his); Boydston, Michael; Nolbaum, Seth (he/him/his); Bushey, Douglas (he/him/his); Cherry, Randall; Christenson, Kara (she/her/hers); Cobb, Brandon; Curley, Michael; Dain, Gregory; Dugan, Brett; Frizzell, Gretchen (she/her/hers); Gallagher, Shirin; Gardner, Allison (she/her/hers); Ghose, Debashis; Gross, Louise C; HertzWu, Sara; Hoffman, Howard; Hogan, Stephanie (she/her/hers); Logan, Paul (he/him/his); Lueders, Jesse (he/him/his); McHale, Mary; Meyer, Jonathan; Mills, Derek; Mills, Flaire; Meinhardt, Danielle; Nann, Barbara; Nowell, Valerie; Okoye, Winifred; Olszewski, Joshua; Peachey, Robert (he/him/his); Martinez, Michael; Puplampu, William; Sawyer, Bonnie (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Seidman, Emily; Smith, Noah; Andrews, Suzanne (she/her/hers); Snyder, Doug; Talbert, Stephanie; Thrift, Mike; Ting, Kaytrue; Triplett, Eric; Vijayan, Abi; Villatora, Liliana; Volk, Everett; Walters, Julie; Wehling, Jefferson; Weiler, Eaton; Wilcox, Geoffrey; Withey, Charlotte (she/her/hers); Thomas, Donzetta; Kaban, Rosemary; England, JJ; Dru, Jacobine (she/her/hers); Stephens, Ryan; Grubb, Christopher; Perez Ortiz, Yasmin; Goudeau, Charlotte; Weekley, Erin; Garfinkle, Stacey; Parke, Nicolas; Zaharoff, Josh (he/him/his); Finkle, Jacob (he/him/his); Williams, Melina; Schluter, Catherine (she/her/hers); Khalsa, Dharma (she/her/hers); Palumbo, Antonette; Shelton, Stacy (she/her/hers); Villegas, Brooke (she/her/hers); Getz, Jamie; Berchiolli, Justin; James, Corin; Durch, Kyle; Coleman, Leslie (she/her/hers); Short, Ashley (she/her/hers); Smith, Isabella; Vetterick, Kate; Przyborski, Jay; Gerstenberger, Erika (she/her/hers); Cesareo, Gianfranco (he/him/his); Strickland, Samuel; Yip, Emma (she/her/hers); Rivera, Nina (she/her/hers)
Cc: Pfister, Maria; Williams, Danurius; Gargan, Henry; McLean, Megan
Subject: ORC/OGC SIP Group Call
When: Thursday, January 23, 2025 2:00 PM-2:50 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

10/24/24 update: adding and removing folks per requests. If you think you are receiving this invite/cancellation in error, please let me know! Thanks!

* * * * *

Extending the monthly ORC/OGC SIP Group call series through 2024.

Microsoft Teams Need help?

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Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 1/23/2025 2:02:47 PM
To: Seidman, Emily [seidman.emily@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: RE: January 2025 ORC/OGC SIP Group Call

Thanks both, I also haven't heard anything on updating the boilerplate, and can include that note as part of the transition topics coverage.

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: Seidman, Emily <seidman.emily@epa.gov>
Sent: Thursday, January 23, 2025 8:05 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

SEOR - Statutory and executive order boiler plate, I assume. OP will have the lead in updating that language. I haven't heard anything on timing; no sure whether Abi has. Perhaps the update that we don't know anything can be included with the transition topics?

Thanks for keeping us updated, Hali!

Controlled by U.S. Environmental Protection Agency

From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 9:02 PM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Okay, thanks Abi! I also just got a late request from an R9 ORC for any info on "updates to the SEOR boilerplate in rulemaking notices, or when we might expect to see that." Not sure what SEOR is...

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

Controlled by U.S. Environmental Protection Agency

From: Vijayan, Abi <Vijayan.Abi@epa.gov>
Sent: Wednesday, January 22, 2025 5:47 PM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Hi Hali,

I can (briefly, so briefly given we ourselves don't have a ton of intel) touch on the requested transition topics.

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
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From: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Sent: Wednesday, January 22, 2025 5:05 PM
To: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

CUI//PRIVILEGE

Sounds great, Emily. Dropping the rest of the transport team for now.

Ex. 5 AC/AWP/DP

Any thoughts on this, and whether to have an actual agenda item on it? I assume we'll get the question either way.

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

Controlled by U.S. Environmental Protection Agency

From: Seidman, Emily <seidman.emily@epa.gov>
Sent: Wednesday, January 22, 2025 4:59 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
Subject: RE: January 2025 ORC/OGC SIP Group Call

Ex. 5 AC/AWP/DP

From: Schramm, Daniel <Schramm.Daniel@epa.gov>
Sent: Wednesday, January 22, 2025 10:33 AM
To: Kerr, Hali (she/her/hers) <Kerr.Hali@epa.gov>
Cc: Seidman, Emily <seidman.emily@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>
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To: Greenglass, Nora <Greenglass.Nora@epa.gov>; Futerman, Andrew (he/him/his) <Futerman.Andrew@epa.gov>; Gallegos, Jacob <Gallegos.Jacob@epa.gov>; Pettit, Elizabeth (Libby) <pettit.elizabetha@epa.gov>; Vargas, Aaron <Vargas.Aaron@epa.gov>; Ogbodo, Ndubisi <Ogbodo.Ndubisi@epa.gov>; Messing, Aaron <messing.aaron@epa.gov>; Bailey, Ashten <Bailey.Ashten@epa.gov>; Bianco, Karen <Bianco.Karen@epa.gov>; Bigioni, Neil (he/him/his) <bigioni.neil@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Bushey, Douglas (he/him/his) <bushey.douglas@epa.gov>; Cherry, Randall <Cherry.Randall@epa.gov>; Christenson, Kara (she/her/hers) <Christenson.Kara@epa.gov>; Jones-Cobb, Brandon <JonesCobb.Brandon@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Frizzell, Gretchen <Frizzell.Gretchen@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Gardner, Allison (she/her/hers) <Gardner.Allison@epa.gov>; Ghose, Debashis <Ghose.Debashis@epa.gov>; Gross, Louise C <gross.louise@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Hogan, Stephanie (she/her/hers) <Hogan.Stephanie@epa.gov>; Logan, Paul (he/him/his) <Logan.Paul@epa.gov>; Lueders, Jesse (he/him/his) <Lueders.Jesse@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>; Meyer, Jonathan <Meyer.Jonathan@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Nann, Barbara <nann.barbara@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Okoye, Winifred <Okoye.Winifred@epa.gov>; Olszewski, Joshua <olszewski.joshua@epa.gov>; Peachey, Robert <peachey.robert@epa.gov>; Martinez, Michael <Martinez.Michael.R@epa.gov>; Puplampu, William <puplampu.william@epa.gov>; Sawyer, Bonnie (she/her/hers) <Sawyer.Bonnie@epa.gov>; Schoellkopf, Lynde (she/her/hers) <Schoellkopf.Lynde@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Smith, Noah <SMITH.NOAH@EPA.GOV>; Andrews, Suzanne (she/her/hers) <Andrews.Suzanne@epa.gov>; Snyder, Doug <Snyder.Doug@epa.gov>; Talbert, Stephanie <Talbert.Stephanie@epa.gov>; Thrift, Mike <thrift.mike@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Triplett, Eric <Triplett.Eric@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Volk, Everett <volk.everett@epa.gov>; Walters, Julie <Walters.Julie@epa.gov>; Wehling, Jefferson <Wehling.Jefferson@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Wilcox, Geoffrey <wilcox.geoffrey@epa.gov>;

Withey, Charlotte (she/her/hers) <Withey.Charlotte@epa.gov>; Thomas, Donzetta <Thomas.Donzetta@epa.gov>; Kaban, Rosemary <Kaban.Rosemary@epa.gov>; England, JJ <England.Jj@epa.gov>; Dru, Jacobine (she/her/hers) <Dru.Jacobine@epa.gov>; Stephens, Ryan <Stephens.Ryan@epa.gov>; Grubb, Christopher <Grubb.Christopher@epa.gov>; Perez Ortiz, Yasmin <perez-ortiz.yasmin@epa.gov>; Goudeau, Charlotte <Goudeau.Charlotte@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Garfinkle, Stacey <garfinkle.stacey@epa.gov>; Parke, Nicolas <Parke.Nicolas@epa.gov>; Zaharoff, Josh (he/him/his) <Zaharoff.Josh@epa.gov>; Finkle, Jacob (he/him/his) <Finkle.Jacob@epa.gov>; Williams, Melina <Williams.Melina@epa.gov>; Schluter, Catherine (she/her/hers) <Schluter.Catherine@epa.gov>; Khalsa, Dharma (she/her/hers) <Khalsa.Dharma@epa.gov>; Palumbo, Antonette <Palumbo.Antonette@epa.gov>; Shelton, Stacy (she/her/hers) <Shelton.Stacy@epa.gov>; Villegas, Brooke (she/her/hers) <Villegas.Brooke@epa.gov>; Getz, Jamie <Getz.Jamie@epa.gov>; Berchiolli, Justin <Berchiolli.Justin@epa.gov>; James, Corin <James.Corin01@epa.gov>; Durch, Kyle (he/him/his) <Durch.Kyle@epa.gov>; Coleman, Leslie (she/her/hers) <Coleman.Leslie@epa.gov>; Short, Ashley (she/her/hers) <Short.Ashley@epa.gov>; Smith, Isabella <Smith.Isabella@epa.gov>; Vetterick, Kate <Vetterick.Kate@epa.gov>; Przyborski, Jay <Przyborski.Jay@epa.gov>; Gerstenberger, Erika (she/her/hers) <Gerstenberger.Erika@epa.gov>; Cesareo, Gianfranco (he/him/his) <Cesareo.Gianfranco@epa.gov>; Strickland, Samuel <Strickland.Samuel@epa.gov>; Yip, Emma (she/her/hers) <Yip.Emma@epa.gov>; Rivera, Nina (she/her/hers) <Rivera.Nina@epa.gov>
Cc: Pfister, Maria <Pfister.Maria@epa.gov>; Williams, Danurius <Williams.Danurius@epa.gov>; Gargan, Henry <Gargan.Henry@epa.gov>; McLean, Megan <McLean.Megan@epa.gov>
Subject: January 2025 ORC/OGC SIP Group Call

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Hali Kerr (she/hers)
Attorney-Advisor, EPA OGC
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Sent: Thursday, May 9, 2024 11:15 AM
To: Kerr, Hali (she/her/hers); Greenglass, Nora; Futerman, Andrew (he/him/his); Gallegos, Jacob; Pettit, Elizabeth (Libby); Vargas, Aaron; Ogbodo, Ndubisi; Messing, Aaron; Bailey, Ashten; Bianco, Karen; Bigioni, Neil (he/him/his); Boydston, Michael; Nolbaum, Seth (he/him/his); Bushey, Douglas (he/him/his); Cherry, Randall; Christenson, Kara (she/her/hers); Cobb, Brandon; Curley, Michael; Dain, Gregory; Dugan, Brett; Frizzell, Gretchen (she/her/hers); Gallagher, Shirin; Gardner, Allison (she/her/hers); Ghose, Debashis; Gross, Louise C; HertzWu, Sara; Hoffman, Howard; Hogan, Stephanie (she/her/hers); Logan, Paul (he/him/his); Lueders, Jesse (he/him/his); McHale, Mary; Meyer, Jonathan; Mills, Derek; Mills, Flaire; Meinhardt, Danielle; Nann, Barbara; Nowell, Valerie; Okoye, Winifred; Olszewski, Joshua; Peachey, Robert (he/him/his); Martinez, Michael; Puplampu, William; Sawyer, Bonnie (she/her/hers); Schoellkopf, Lynde (she/her/hers); Schramm, Daniel; Seidman, Emily; Smith, Noah; Andrews, Suzanne (she/her/hers); Snyder, Doug; Talbert, Stephanie; Thrift, Mike; Ting, Kaytrue; Triplett, Eric; Vijayan, Abi; Villatora, Liliana; Volk, Everett; Walters, Julie; Wehling, Jefferson; Weiler, Eaton; Wilcox, Geoffrey; Withey, Charlotte (she/her/hers); Thomas, Donzetta; Kaban, Rosemary; England, JJ; Dru, Jacobine (she/her/hers); Stephens, Ryan; Grubb, Christopher; Perez Ortiz, Yasmin; Goudeau, Charlotte; Weekley, Erin; Garfinkle, Stacey; Parke, Nicolas; Zaharoff, Josh (he/him/his); Finkle, Jacob (he/him/his); Williams, Melina; Schluter, Catherine (she/her/hers); Khalsa, Dharma (she/her/hers); Palumbo, Antonette; Shelton, Stacy (she/her/hers); Villegas, Brooke (she/her/hers); Getz, Jamie; Berchiolli, Justin; James, Corin; Durch, Kyle; Coleman, Leslie (she/her/hers); Short, Ashley (she/her/hers); Smith, Isabella; Vetterick, Kate; Przyborski, Jay; Gerstenberger, Erika (she/her/hers); Cesareo, Gianfranco (he/him/his); Strickland, Samuel; Yip, Emma (she/her/hers); Rivera, Nina (she/her/hers)

Cc: Pfister, Maria; Williams, Danurius; Gargan, Henry; McLean, Megan
Subject: ORC/OGC SIP Group Call
When: Thursday, January 23, 2025 2:00 PM-2:50 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

10/24/24 update: adding and removing folks per requests. If you think you are receiving this invite/cancellation in error, please let me know! Thanks!

* * * * *
Extending the monthly ORC/OGC SIP Group call series through 2024.

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Message

From: Vijayan, Abi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F6E6C1FB9BC448FB9810A56E5A4725C-VIJAYAN, ABI]
Sent: 1/23/2025 4:26:12 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
CC: Orlin, David [Orlin.David@epa.gov]; Kerr, Hali (she/her/hers) [Kerr.Hali@epa.gov]
Subject: NOx SOx PM secondary - RE: RESPONSE NEEDED BY 12:30 TODAY - 1/23 Update - Regulatory Freeze Memo
Attachments: FW: NOx/SOx/PM Secondary NAAQS

Hi Gautam,

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: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, January 23, 2025 10:25 AM
To: Vijayan, Abi <Vijayan.Abi@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>
Subject: FW: RESPONSE NEEDED BY 12:30 TODAY - 1/23 Update - Regulatory Freeze Memo

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

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

Controlled by U.S. Environmental Protection Agency

From: Kuschel, Valarie (she/her/hers) <Kuschel.Valarie@epa.gov>
Sent: Thursday, January 23, 2025 10:08 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Messier, Dawn (she/her/hers) <Messier.Dawn@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Lewis, Jen

<Lewis.Jen@epa.gov>
Cc: Serassio, Helen <Serassio.Helen@epa.gov>; Fisher, Bethany (she/her/hers) <fisher.bethany@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Goldman, Lisa <Goldman.Lisa@epa.gov>; Frank, Carin (she/her/hers) <Frank.Carin@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>
Subject: RESPONSE NEEDED BY 12:30 TODAY - 1/23 Update - Regulatory Freeze Memo

CUI//PRIVILEGE

Ex. 5 AC/AWP/DP

Please note, this is a parallel review with OP and agency decision makers and may not reflect the most current version.
Please add any comments in the attached SharePoint file **no later than 12:30 p.m. today.**

Please direct any questions to Mark or me.

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

Controlled by U.S. Environmental Protection Agency

From: Kuschel, Valarie (she/her/hers)
Sent: Wednesday, January 22, 2025 4:30 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Messier, Dawn (she/her/hers) <Messier.Dawn@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Serassio, Helen <Serassio.Helen@epa.gov>; Fisher, Bethany (she/her/hers) <fisher.bethany@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Goldman, Lisa <Goldman.Lisa@epa.gov>; Frank, Carin (she/her/hers) <Frank.Carin@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>
Subject: 1/22 Update - Regulatory Freeze Memo

Good evening, everyone,

Ex. 5 AC/AWP/DP

Please reach out to Mark or me if you have any questions.

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

From: Kuschel, Valarie (she/her/hers)
Sent: Tuesday, January 21, 2025 3:43 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Messier, Dawn (she/her/hers) <Messier.Dawn@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Serassio, Helen <Serassio.Helen@epa.gov>; Fisher, Bethany (she/her/hers) <fisher.bethany@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Goldman, Lisa <Goldman.Lisa@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Frank, Carin (she/her/hers) <Frank.Carin@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Huskey, Angela (she/her/hers) <Huskey.Angela@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Parikh, Pooja <Parikh.Pooja@epa.gov>; Mullee, Alec <Mullee.Alec@epa.gov>
Subject: RE: Update - Regulatory Freeze Memo

My apologies for the error. Please see the proper attachments here.

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

From: Kuschel, Valarie (she/her/hers)
Sent: Tuesday, January 21, 2025 3:34 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Messier, Dawn (she/her/hers) <Messier.Dawn@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Serassio, Helen <Serassio.Helen@epa.gov>; Fisher, Bethany (she/her/hers) <fisher.bethany@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>; Garfinkle, Stacey <Garfinkle.stacey@epa.gov>; Goldman, Lisa <Goldman.Lisa@epa.gov>; Green, Noelle <Green.Noelle@epa.gov>; Frank, Carin (she/her/hers) <Frank.Carin@epa.gov>; Lee, Michael (he/him/his) <lee.michaelg@epa.gov>; Zomer, Jessica <Zomer.Jessica@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Huskey, Angela (she/her/hers) <Huskey.Angela@epa.gov>; Vijayan, Abi <Vijayan.Abi@epa.gov>; Ting, Kaytrue <Ting.Kaytrue@epa.gov>; Seidman, Emily <seidman.emily@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Nolbaum, Seth (he/him/his) <Nolbaum.Seth@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Parikh, Pooja <Parikh.Pooja@epa.gov>; Mullee, Alec <Mullee.Alec@epa.gov>
Subject: Update - Regulatory Freeze Memo

Good afternoon, all,

Just for your information, provided below is a list of documents EPA OP sent today:

Ex. 5 AC/AWP/DP

Thank you,

Valarie Kuschel
Attorney-Advisor
Cross-Cutting Issues Law Office/Water Law Office
EPA Office of General Counsel
202-564-4527

Appointment

From: Svingen, Eric [Svingen.Eric@epa.gov]
Sent: 9/17/2024 11:04:21 PM
To: Svingen, Eric [Svingen.Eric@epa.gov]; Ozone Implementation Workgroup [Ozone_Implementation_Workgroup@epa.gov]
CC: Murray, Beth [Murray.Beth@epa.gov]; Gerstenberger, Erika [Gerstenberger.Erika@epa.gov]; Garcia, Ariel [Garcia.Ariel@epa.gov]; Lee, Anita (she/her/hers) [Lee.Anita@epa.gov]; Leers, Ben (he/him/his) [Leers.Ben@epa.gov]; Schluter, Catherine (she/her/hers) [Schluter.Catherine@epa.gov]; Lawrence, Laura (she/her/hers) [Lawrence.Laura@epa.gov]; Shahin, Emad [Shahin.Emad@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Andrews, Suzanne [Andrews.Suzanne@epa.gov]; Lin, Stephanie [Lin.Stephanie@epa.gov]; Freund, Weston (he/him/his) [Freund.Weston@epa.gov]; Oconnor, Karina (she/her/hers) [OConnor.Karina@epa.gov]; Lang, Matthew [Lang.Matthew@epa.gov]; Ahuja, Anupa [ahuja.anupa@epa.gov]; Riley, Jeffrey [Riley.Jeffrey@epa.gov]; Williams, Jennifer [Williams.Jennifer@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Chen, Eugene [Chen.Eugene@epa.gov]; Possiel, Norm (he/him/his) [Possiel.Norm@epa.gov]; McHale, Mary [McHale.Mary@epa.gov]; McKinley, Gobeail [McKinley.Gobeail@epa.gov]; D'Agostino, Kathleen [dagostino.kathleen@epa.gov]; Vagenas, Ginger [Vagenas.Ginger@epa.gov]; Magee, Melanie [Magee.Melanie@epa.gov]; Lowder, Erin (she/her/hers) [Lowder.Erin@epa.gov]; Brimmer, Amanda (she/her/hers) [Brimmer.Amanda@epa.gov]; Rackauskas, Eric [rackauskas.eric@epa.gov]; Pitre, Randy [Pitre.Randy@epa.gov]; Wortman, Eric (he/him/his) [Wortman.Eric@epa.gov]; Olszewski, Joshua [olszewski.joshua@epa.gov]; Lingard, Robert (he/him/his) [Lingard.Robert@epa.gov]; Kosin, Michele [Kosin.Michele@epa.gov]; Arra, Sarah (she/her/hers) [Arra.Sarah@epa.gov]; Kay, Rynda (she/her/hers) [Kay.Rynda@epa.gov]; LaRocca, Sarah [Larocca.Sarah@epa.gov]; Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; Lee, Andrew [Lee.Andrew.C@epa.gov]; McConnell, Robert [mcconnell.robert@epa.gov]; Naber, Nicole [Naber.Nicole@epa.gov]; Loutan, Reema (she/her/hers) [Loutan.Reema@epa.gov]; Leslie, Michael (he/him/his) [leslie.michael@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Ferreira, Nicholas (he/him/his) [Ferreira.Nicholas@epa.gov]; Keas, Ashley [keas.ashley@epa.gov]; Stephens, Ryan [Stephens.Ryan@epa.gov]; Kilgour, Delaney [Kilgour.Delaney@epa.gov]; Nguyen, Khoi (she/her/hers) [Nguyen.Khoi@epa.gov]; Withey, Charlotte (she/her/hers) [Withey.Charlotte@epa.gov]; Kelly, Johnj (he/him/his) [Kelly.Johnj@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Mullen, Kathleen (she/her/hers) [Mullen.Kathleen@epa.gov]; Wickersham, Lindsay (she/her/hers) [wickersham.lindsay@epa.gov]; Goold, Megan (she/her/hers) [Goold.Megan@epa.gov]; Snyder, Erik [snyder.erik@epa.gov]; Neiswinter, Ian [Neiswinter.Ian@epa.gov]; Rutherford, Robert [Rutherford.Robert@epa.gov]; Donaldson, Guy [Donaldson.Guy@epa.gov]; Rehn, Brian [rehn.brian@epa.gov]

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

Start: 9/18/2024 5:00:00 PM
End: 9/18/2024 6:00:00 PM
Show Time As: Tentative

Recurrence: Monthly
the third Wednesday of every 1 month(s) from 12:00 PM to 1:00 PM
Required Attendees: Svingen, Eric; Ozone Implementation Workgroup; Deabler, Gabrielle; Devkota, Om; Letterly, Aaron; Lewis, Adam; Taveras, Fausto (he/him/his); Aburano, Douglas (he/him/his); Adams, Evan (he/him/his); Akers, Brad (he/him/his); Bean, Clayton (he/him/his); Becoat, Gregory; Belk, Ellen (she/her/hers); Bell, Tiereny; Benjamin, Lynorae; Bianco, Karen; Bigioni, Neil (he/him/his); Biton, Leiran (he/him/his); Bonifacino, Gina; Brachtl, Megan; Bradley, Twunjala; Bunte, Laura; Calcinore, Sara; Chen, Alexander; Childers, Pat (he/him/his); Chow, Alice; Coryell, Mark; Crispell, Emily; Damberg, Rich; Davidson, Olivia (she/her/hers); Dickinson, David; Feldman, Michael; Fernandez, Cristina; Frizzell, Gretchen (she/her/hers); Fulton, Abby; Garver, Daniel; Garwood, Ben; Gong, Kevin (he/him/his); Graham, AshleyR (she/her/hers); Hemby, James; Hong, Jeanhee; Hou, James; Hunt, Jeff; Jackson, Scott; Jay, Michael; Johnson, Terry; Kapichak, Rudolph; Kelly, ThomasP; Kemp, Lachala; Krabbe, Stephen (he/him/his); Laurita, Matthew; Law, Nicole; Lo, Doris; Longo, Linda (she/her/hers); Mackintosh, David; Maietta, Anthony (he/him/his); McWilliams, Anne K.; Medina, Dayana; Millar, Emily; Mills, Derek; Morton, Michael; Moser, Mallory (she/her/hers); Paige, Carrie; Pepple, Karl; Prentice, Amanda; Puplampu, William; Rehn, Brian; Riha, Kristin; Rogan, John (he/him/his); Ruvo, Richard (he/him/his); Salem, Nevine; Schulingkamp, Joseph; Senter, Stephen; Shar, Alan; Simcox, Alison; Simon, Heather;

Optional Attendees:	Singh, Amrita; Snyder, Doug; South, Mia (she/her/hers); Spann, Jane; Spenillo, Justin; Sutton, Lisa; Svendsgaard, Dave; Talley, David; Timin, Brian; Ting, Kaytrue; Tonnesen, Gail; Travia, Donna; Vaupel, Claudia; Viswanathan, Krishna; Wells, Benjamin; Wieber, Kirk; Wong, Richard; Yoshimura, Gwen (she/her/hers); Pettit, Elizabeth (Libby) Ledezma, Andrew (he/him/his); Dorantes, Michael (he/him/his); Castro, Marina (she/her/hers); Pagan-Incle, Keila; Leffert, Kaitlyn (she/her/hers); O'Kelly, Jeremy; James, Corin; Perez, Idalia (she/her/hers); McEathron, Kimberly (she/her/hers); Lillis, Patrick; Gallegos, Jacob; Oggeri, Francis (he/him/his); McGuire, Philip (he/him/his); HertzWu, Sara; Hillis, Berkley (she/her/hers); Leo, Julia; Murray, Beth; Gerstenberger, Erika; Garcia, Ariel; Lee, Anita (she/her/hers); Leers, Ben (he/him/his); Schluter, Catherine (she/her/hers); Lawrence, Laura (she/her/hers); Shahin, Emad; Vijayan, Abi; Andrews, Suzanne; Lin, Stephanie; Freund, Weston (he/him/his); Oconnor, Karina (she/her/hers); Lang, Matthew; Ahuja, Anupa; Riley, Jeffrey; Williams, Jennifer; Patulski, Meg; Chen, Eugene; Possiel, Norm (he/him/his); McHale, Mary; McKinley, Gobeail; D'Agostino, Kathleen; Vagenas, Ginger; Magee, Melanie; Lowder, Erin (she/her/hers); Brimmer, Amanda (she/her/hers); Rackauskas, Eric; Pitre, Randy; Wortman, Eric (he/him/his); Olszewski, Joshua; Lingard, Robert (he/him/his); Kosin, Michele; Arra, Sarah (she/her/hers); Kay, Rynda (she/her/hers); LaRocca, Sarah; Winkelmann, Joe (Joseph); Lee, Andrew; McConnell, Robert; Naber, Nicole; Loutan, Reema (she/her/hers); Leslie, Michael (he/him/his); Ling, Michael; Ferreira, Nicholas (he/him/his); Keas, Ashley; Stephens, Ryan; Kilgour, Delaney; Nguyen, Khoi (she/her/hers); Withey, Charlotte (she/her/hers); Kelly, Johnj (he/him/his); Williams, Melina; Mullen, Kathleen (she/her/hers); Wickersham, Lindsay (she/her/hers); Goold, Megan (she/her/hers); Snyder, Erik; Neiswinter, Ian; Rutherford, Robert; Donaldson, Guy

---

Microsoft Teams 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

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 1/15/2025 12:15:29 AM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Do, Bebhinn [Do.Bebhinn@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Mataway-Novak, Dylan [Mataway-Novak.Dylan@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Brashear, Angelina [Brashear.Angelina@epa.gov]; Leith, Andrew [Leith.Andrew@epa.gov]; Scott, Denise [Scott.Denise@epa.gov]; Mocka, Corey [mocka.corey@epa.gov]; Rao, Venkatesh [Rao.Venkatesh@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]; Benedict, Kristen [Benedict.Kristen@epa.gov]; Ward, Hillary [Ward.Hillary@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]; Torres, Elineth [Torres.Elineth@epa.gov]; Topham, Nathan [Topham.Nathan@epa.gov]; Shrager, Brian [Shrager.Brian@epa.gov]; Houyoux, Marc [Houyoux.Marc@epa.gov]; Wesson, Karen [Wesson.Karen@epa.gov]; Fox, Tyler [Fox.Tyler@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]; Orlin, David [Orlin.David@epa.gov]; Kumar, Anjali [Kumar.Anjali01@epa.gov]
CC: Lassiter, Penny [Lassiter.Penny@epa.gov]; Jones, Rhea [Jones.Rhea@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Hagan, Nicole [Hagan.Nicole@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Dolwick, Pat [Dolwick.Pat@epa.gov]; Almodovar, Paul [Almodovar.Paul@epa.gov]; Noonan, Jenny [Noonan.Jenny@epa.gov]; Mozingo, Kristal [Mozingo.Kristal@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; McLean, Megan [McLean.Megan@epa.gov]
BCC: RTP-C401A-Max40/RTP-Bldg-C [RTP-C401A-Max40-RTP-Bldg-C@epa.gov]

Subject: Monthly: OAQPS Management PM2.5 Designations Meeting
Attachments: Canceled: Monthly: OAQPS Management PM2.5 Designations Meeting; (No Subject); Canceled: Monthly: OAQPS Management PM2.5 Designations Meeting; OAQPS Meeting Request Tsirigotis_Monthly PM Designations.docx; Monthly: OAQPS PM2.5 Designations Update
Location: Microsoft Teams Meeting; RTP-C401A-Max40/RTP-Bldg-C

Start: 2/19/2025 8:00:00 PM
End: 2/19/2025 8:45:00 PM
Show Time As: Busy

Recurrence: Monthly
Occurs every month on the third Wednesday of the month from 3:00 PM to 3:45 PM effective 2/19/2025 until 1/21/2026.
Required Attendees: Dunkins, Robin; Do, Bebhinn (she/her/hers); Mathias, Scott; Kornylak, Vera S.; Mataway-Novak, Dylan (he/him/his); Senter, Stephen; Brashear, Angelina (she/her/hers); Leith, Andrew; Scott, Denise; Mocka, Corey; Rao, Venkatesh; Evangelista, Mark; Gantt, Brett; Smith, Jason; Hanley, Tim; Benedict, Kristen; Ward, Hillary; Cortelyou-Lee, Jan; Torres, Elineth; Topham, Nathan; Shrager, Brian; Houyoux, Marc; Wesson, Karen; Fox, Tyler; Srinivasan, Gautam; Vijayan, Abi; Wilcox, Geoffrey; Perez Ortiz, Yasmin; Orlin, David; Kumar, Anjali
Optional Attendees: Lassiter, Penny; Jones, Rhea (she/her/hers); Sasser, Erika; Hagan, Nicole; Cozzie, David; Dolwick, Pat; Almodovar, Paul; Noonan, Jenny (she/her/hers); Mozingo, Kristal; Miller, Meredith; McLean, Megan

---

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Ex. 6 Personal Privacy (PP)

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Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Appointment

From: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]
Sent: 5/23/2024 7:21:08 PM
To: Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Do, Bebhinn (she/her/hers) [Do.Bebhinn@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Mataway-Novak, Dylan (he/him/his) [Mataway-Novak.Dylan@epa.gov]; Senter, Stephen [Senter.Stephen@epa.gov]; Brashear, Angelina (she/her/hers) [Brashear.Angelina@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; 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]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]
CC: Massey, Lana [massey.lana@epa.gov]; Mozingo, Kristal [Mozingo.Kristal@epa.gov]
BCC: RTP-C401A-Max40/RTP-Bldg-C [RTP-C401A-Max40-RTP-Bldg-C@epa.gov]

Subject: Briefing on Finding of Failure to Submit for 2010 SO2 Primary NAAQS
Attachments: OAQPS Meeting Request Form Peter_5-22-24_SO2 Finding of Failure to Submit.docx; Pager_Briefing on 2024 SO2 FFS Final.docx
Location: Microsoft Teams Meeting; RTP-C401A-Max40/RTP-Bldg-C

Start: 5/29/2024 7:00:00 PM
End: 5/29/2024 7:30:00 PM
Show Time As: Busy

Required Attendees: Dunkins, Robin; Do, Bebhinn (she/her/hers); Mathias, Scott; Brachtl, Megan; Mataway-Novak, Dylan (he/him/his); Senter, Stephen; Brashear, Angelina (she/her/hers); Srinivasan, Gautam; Vijayan, Abi; Thrift, Mike; Kerr, Hali (she/her/hers); Smith, Isabella; Cortelyou-Lee, Jan
Optional Attendees: Massey, Lana; Mozingo, Kristal

Materials attached.

Microsoft Teams Need help?

Join the meeting now

Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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

Appointment

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 7/18/2024 7:27:13 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Berry, Laura [berry.laura@epa.gov]; Kapichak, Rudolph [kapichak.rudolph@epa.gov]; Patulski, Meg [patulski.meg@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Brown, Lucy E. (ENRD) [lucy.e.brown@usdoj.gov]; Littleton, Matthew (ENRD) [Matthew.Littleton@usdoj.gov]; Maxwell, Gus (ENRD) [Gustavus.Maxwell@usdoj.gov]; Pinkston, Daniel (ENRD) [Daniel.Pinkston@usdoj.gov]
CC: Rogers, Cherie (ENRD) [Cherie.Rogers@usdoj.gov]; Baskett, Jhana L (ENRD) [Jhana.L.Baskett@usdoj.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]

Subject: Moot Court: Coalition for Biological Diversity v. EPA (10th

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

	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 010111026572 CBD Reply Brief.pdf
Location:	Microsoft Teams Meeting
Start:	9/18/2024 7:00:00 PM
End:	9/18/2024 9:00:00 PM
Show Time As:	Busy

Ex. 5 AC/AWP

Just let me and Bella know if you have any questions!

-----Original Appointment-----
From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, July 3, 2024 12:53 PM
To: Hostetler, Eric (ENRD); O'Donnell, Jessica (ENRD); Lipshultz, Jon (ENRD); Buckley, Sarah (ENRD); Chen, Sue (ENRD); Brown, Lucy E. (ENRD); Littleton, Matthew (ENRD); Maxwell, Gus (ENRD); Pinkston, Daniel (ENRD)
Cc: Rogers, Cherie (ENRD); Baskett, Jhana L (ENRD); Boydston, Michael; Williams, Melina; Mills, Derek; Pettit, Elizabeth (Libby); Fulton, Abby; Talbert, Stephanie; Volk, Everett; Smith, Isabella; Vijayan, Abi; Ling, Michael; Berry, Laura
Subject: Moot Court: Coalition for Biological Diversity v. EPA (10th Cir.) (challenge to partial approval of Denver ozone SIP)
When: Wednesday, September 18, 2024 3:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

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

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

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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

Appointment

From: Massey, Lana [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MASSEY, LANA]
on behalf of Mathias, Scott [Mathias.Scott@epa.gov]
Sent: 3/3/2025 3:20:15 PM
To: Mathias, Scott [Mathias.Scott@epa.gov]; King, Rochelle [King.Rochelle@epa.gov]; Kormos, Andrew [Kormos.Andrew@epa.gov]; Brachtl, Megan [Brachtl.Megan@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Kornylak, Vera S. [Kornylak.Vera@epa.gov]; Bowen, Richard [Bowen.Richard@epa.gov]; Raps, Virginia [raps.virginia@epa.gov]
CC: Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Perez Ortiz, Yasmin [perez-ortiz.yasmin@epa.gov]

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

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

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

Ex. 5 AC/DP

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Ex. 6 Personal Privacy (PP)

More info

For organizers: Meeting options | Reset dial-in PIN

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Appointment

From: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]
Sent: 9/16/2024 1:10:35 PM
To: Hostetler, Eric (ENRD) [Eric.Hostetler@usdoj.gov]; Gerstenberger, Erika [Gerstenberger.Erika@epa.gov]; O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Lipshultz, Jon (ENRD) [Jon.Lipshultz@usdoj.gov]; Buckley, Sarah (ENRD) [Sarah.Buckley@usdoj.gov]; Chen, Sue (ENRD) [Sue.Chen@usdoj.gov]; Brown, Lucy E. (ENRD) [lucy.e.brown@usdoj.gov]; Littleton, Matthew (ENRD) [Matthew.Littleton@usdoj.gov]; Maxwell, Gus (ENRD) [Gustavus.Maxwell@usdoj.gov]; Pinkston, Daniel (ENRD) [Daniel.Pinkston@usdoj.gov]
CC: Rogers, Cherie (ENRD) [Cherie.Rogers@usdoj.gov]; Baskett, Jhana L (ENRD) [Jhana.L.Baskett@usdoj.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Williams, Melina [Williams.Melina@epa.gov]; Mills, Derek [Mills.Derek@epa.gov]; Pettit, Elizabeth (Libby) [pettit.elizabetha@epa.gov]; Fulton, Abby [Fulton.Abby@epa.gov]; Talbert, Stephanie [Talbert.Stephanie@epa.gov]; Volk, Everett [volk.everett@epa.gov]; Smith, Isabella [Smith.Isabella@epa.gov]; Vijayan, Abi [Vijayan.Abi@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Berry, Laura [berry.laura@epa.gov]

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

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

	DN 010110999173 EPA Response Brief.pdf; DN 010111015402 Colorado Response Brief.pdf; DN 010111026572 CBD Reply Brief.pdf
Location:	Microsoft Teams Meeting
Start:	9/18/2024 7:00:00 PM
End:	9/18/2024 9:00:00 PM
Show Time As:	Tentative

-----Original Appointment-----
From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Friday, August 9, 2024 1:22 PM
To: Hostetler, Eric (ENRD); O'Donnell, Jessica (ENRD); Lipshultz, Jon (ENRD); Buckley, Sarah (ENRD); Chen, Sue (ENRD); Brown, Lucy E. (ENRD); Littleton, Matthew (ENRD); Maxwell, Gus (ENRD); Pinkston, Daniel (ENRD)
Cc: Rogers, Cherie (ENRD); Baskett, Jhana L (ENRD); Boydston, Michael; Williams, Melina; Mills, Derek; Pettit, Elizabeth (Libby); Fulton, Abby; Talbert, Stephanie; Volk, Everett; Smith, Isabella; Vijayan, Abi; Ling, Michael; Berry, Laura
Subject: Moot Court: Coalition for Biological Diversity v. EPA (10th Cir.) (challenge to partial approval of Denver ozone SIP)
When: Wednesday, September 18, 2024 3:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
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Microsoft Teams Need help?

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Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

For organizers: Meeting options | Reset dial-in PIN

Appointment

From: Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]
Sent: 9/5/2024 5:09:54 PM
To: Winkelmann, Joe (Joseph) [winkelmann.joseph@epa.gov]; 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: Busy

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

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

Ex. 6 Personal Privacy (PP)

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Appointment

From: Vijayan, Abi [Vijayan.Abi@epa.gov]
Sent: 1/31/2025 6:58:04 PM

Subject: Moot court: Kentucky v. EPA (GN SIP 6th Cir.)
Location: Microsoft Teams Meeting & 4CON 4.334

Start: 5/3/2024 2:00:00 PM
End: 5/3/2024 4:00:00 PM
Show Time As: Busy

Recurrence: (none)