**From:** Dana Tulis
**Sent By:** Patrick Easter
**To:** Craig Matthiessen; Kim Jennings; Lynn Beasley; Jim Belke
**Cc:** Dana Tulis; MaryAnn Petrole
**Subject:** Note from Barry Re: CERCLA EPCRA litigation update - GOOD NEWS!
**Date:** 10/20/2010 08:45 AM

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Patrick here. FYI.

----- Forwarded by Patrick Easter/DC/USEPA/US on 10/20/2010 08:44 AM -----

From: Barry Breen/DC/USEPA/US
To: "Dana Tulis" <Tulis.Dana@epamail.epa.gov>
Date: 10/20/2010 08:00 AM
Subject: Fw: CERCLA EPCRA litigation update - GOOD NEWS!

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Would you ask everyone to still move forward on the schedule we worked out ?
▼ Bernadette Rappold

----- Original Message -----
**From:** Bernadette Rappold
**Sent:** 10/19/2010 08:42 PM EDT
**To:** Erik Swenson
**Cc:** Barry Breen; Carol Holmes; Craig Matthiessen; Dana Tulis; Earl Salo; John Michaud; Kim Jennings; Lynn Beasley; Mary-Kay Lynch; MaryAnn Petrole; Matt Straus; Robin Dunkins; Sanda Howland
**Subject:** Re: CERCLA EPCRA litigation update - GOOD NEWS!

Thanks, Erik!

- b

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Bernadette Rappold, Director
Special Litigation and Projects Division (MC 2248)
Office of Civil Enforcement
U.S. EPA
1200 Pennsylvania Avenue, NW
Room 3118B, ARS
Washington, DC 20460

Telephone: (202) 564-4387
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▼ Erik Swenson---10/19/2010 06:19:29 PM---Finally, the news you've been waiting

for - attached below is the DC Circuit's order granting our mo

From: Erik Swenson/DC/USEPA/US

To: Dana Tulis/DC/USEPA/US@EPA, Craig Matthiessen/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, MaryAnn Petrole/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, Lynn Beasley/DC/USEPA/US@EPA, Sanda Howland/DC/USEPA/US@EPA, Bernadette Rappold/DC/USEPA/US@EPA, Robin Dunkins/RTP/USEPA/US@EPA, Carol Holmes/DC/USEPA/US@EPA

Cc: Mary-Kay Lynch/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA

Date: 10/19/2010 06:19 PM

Subject: CERCLA EPCRA litigation update - GOOD NEWS!

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Finally, the news you've been waiting for - attached below is the DC Circuit's order granting our motion for voluntary remand. You will see that it comes with NO deadlines or status report requirements. I spoke with our DOJ attorney, CJ Morris, about what this means. [redacted].

[redacted]

[redacted].

Order is pasted in below as well:

O R D E R

Upon consideration of the motions to govern future proceedings, the oppositions
thereto, and the reply; and the motion for voluntary remand, the opposition thereto, and
the reply, it is

ORDERED that the motion for voluntary remand be granted. The court remands
to the Environmental Protection Agency for further consideration the rule entitled

“CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous
Substances From Animal Waste at Farms,” 73 Fed. Reg. 76,948 (Dec. 18, 2008).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk
is directed to withhold issuance of the mandate herein until seven days after resolution
of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App.
P. 41(b); D.C. Cir. Rule 41.

Per Curiam

[attachment "CERCLA_EPCRA_-_Order_granting_remand.PDF"
deleted by Bernadette Rappold/DC/USEPA/US]