Message

**From**: Fields, Jenifer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA5842FD6C034D6986182F3F0954D257-FIELDS, JEN]
**Sent**: 2/20/2019 6:01:30 PM
**To**: Servidio, Cosmo (servidio.cosmo@epa.gov) [servidio.cosmo@epa.gov]
**Subject**: FW: R3 DRA has a question: FW: Hazelton Creek NON update
**Attachments**: ENV_DEFENSE-#862133-v4-Hazleton__DRAFT_BRIEF.DOCX; ATT00001.htm; Updated Briefing Paper - Pennsylvania Beneficial Use Permit and Clean Fill Policy 2-4-19.docx; ATT00002.htm; Briefings on R3 PCB Fill_12-19-18.pdf; ATT00003.htm

Please see the email from Bethany.

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**From:** Rodrigues, Cecil
**Sent:** Wednesday, February 20, 2019 12:21 PM
**To:** Fields, Jenifer <fields.jenifer@epa.gov>
**Subject:** Fwd: R3 DRA has a question: FW: Hazelton Creek NON update

See new update below.
Sent from my iPhone

Begin forwarded message:

> **From:** "Coe, Mary" <Coe.Mary@epa.gov>
> **Date:** February 20, 2019 at 12:19:29 PM EST
> **To:** "Rodrigues, Cecil" <rodrigues.cecil@epa.gov>
> **Subject: FW: R3 DRA has a question: FW: Hazelton Creek NON update**
>
> Okay, this is the latest I have. Cheryl has been in the loop on this.
>
> Mary
>
> ---
>
> **From:** Fisher, Bethany
> **Sent:** Wednesday, February 20, 2019 11:57 AM
> **To:** Coe, Mary <Coe.Mary@epa.gov>
> **Cc:** Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>
> **Subject:** RE: R3 DRA has a question: FW: Hazelton Creek NON update
>
> Good morning Mary,

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Please let me know if you have any additional questions.

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

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**From:** Coe, Mary
**Sent:** Wednesday, February 20, 2019 11:10 AM
**To:** Fisher, Bethany <fisher.bethany@epa.gov>
**Cc:** Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>
**Subject:** R3 DRA has a question: FW: Hazelton Creek NON update

Hi, Bethany –

Can you give me an update on the Hazelton petition in the Third Circuit (e.g., any recent developments, deadlines, filings, drafts available for review, etc.). the Region III DRA is asking about it, prompted by a request to discuss from new AA for OCSPP Alex Dunn.

Thanks! Enjoy the snow!

Mary

*Mary B. Coe*
*Regional Counsel*
*US EPA Region III*
*1650 Arch Street*
*Philadelphia, PA 19103*
*215-814-2617*

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**From:** Jamieson, Cheryl
**Sent:** Tuesday, January 29, 2019 12:13 PM
**To:** Coe, Mary <Coe.Mary@epa.gov>
**Subject:** FW: Hazelton Creek NON update

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**From:** Fisher, Bethany
**Sent:** Tuesday, January 29, 2019 11:00 AM
**To:** Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>
**Subject:** RE: Hazelton Creek NON update

Hi Cheryl,

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Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

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**From:** Jamieson, Cheryl
**Sent:** Tuesday, January 29, 2019 10:44 AM
**To:** Fisher, Bethany <fisher.bethany@epa.gov>
**Subject:** FW: Hazelton Creek NON update

Bethany, can you provide answers to Mary's questions? Thanks, Cheryl

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**From:** Coe, Mary
**Sent:** Tuesday, January 29, 2019 9:48 AM
**To:** Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>
**Subject:** RE: Hazelton Creek NON update

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THX

See you in 15 minutes!!!

M

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**From:** Jamieson, Cheryl
**Sent:** Monday, January 28, 2019 2:19 PM
**To:** Coe, Mary <Coe.Mary@epa.gov>
**Subject:** FW: Hazelton Creek NON update

Mary, not sure this should be mentioned to OGC because the new deadline for filing jurisdictional motion has not yet been set. Cheryl

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**From:** Fisher, Bethany
**Sent:** Monday, January 28, 2019 1:52 PM
**To:** Miles, James <miles.james@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Presler, Amos

<presler.amos@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Gimlin, Peter <Gimlin.Peter@epa.gov>; daw, harry <daw.harry@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
**Subject:** RE: Hazelton Creek NON update

Welcome back all!

Regarding the Hazelton Creek PCB case, I wanted to make you aware that the Third Circuit Court of Appeals has a notice on their website which says, in relevant part: "The Court is aware that affected federal agencies will need time to recall furloughed employees and assess the current status of their cases. Accordingly, any federal government deadlines in non-criminal cases dated December 24, 2018 through and including February 1, 2019 will be reset. On February 19, 2019, the Clerk will post on the Court's website a schedule of reset deadlines. Any reset deadlines will be staggered to ensure an orderly resumption of work."

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Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

**From:** Fisher, Bethany
**Sent:** Friday, December 28, 2018 3:25 PM
**To:** Miles, James <miles.james@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Gimlin, Peter <Gimlin.Peter@epa.gov>; daw, harry <daw.harry@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
**Subject:** RE: Hazelton Creek NON update

Hello all,

On December 24, the Third Circuit clerk filed a text order granting EPA's request to extend the filing date for our jurisdictional motion to January 8. With that said, the Third Circuit website currently says:

> Deadlines for filings by federal government agencies in non-emergency cases will be suspended during the government shutdown. New deadlines will be established once the government shutdown has ended. To ensure an orderly resumption of work, government entities should expect that deadlines will be staggered. For example, filings due December 24, 2018 would be due seven days after the end of the shutdown; filings due December 26 would be due eight days after the end of the shutdown.

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Have a wonderful new year!

Bethany Fisher
EPA Office of General Counsel
Pesticides and Toxic Substances Law Office
202-564-2672

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**From:** Fisher, Bethany
**Sent:** Friday, December 21, 2018 9:44 AM
**To:** Miles, James <miles.james@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Gimlin, Peter <Gimlin.Peter@epa.gov>; daw, harry <daw.harry@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
**Subject:** RE: Hazelton Creek NON update

All,

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have any examples, please let me know.

Thanks, and happy holidays!

Bethany Fisher
EPA Office of General Counsel

Pesticides and Toxic Substances Law Office
202-564-2672

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**From:** Fisher, Bethany
**Sent:** Thursday, December 13, 2018 5:44 PM
**To:** Miles, James <miles.james@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Gimlin, Peter <Gimlin.Peter@epa.gov>; daw, harry <daw.harry@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
**Subject:** Hazelton Creek NON update

Hi all,

We have DOJ representation in the Hazelton Creek NON case. DOJ reached out to Allen Kacenjar at Patton Boggs, Hazelton Creek's counsel, and received agreement to request that the court extend the deadline for filing the jurisdictional motion to January 8. DOJ will be filing that extension request soon.

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