Message

From: Miles, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C27D6E7B72E48508EF8AE5768CCAAD3-JMILES]
Sent: 12/10/2018 5:20:17 PM
To: Sullivan, Greg [Sullivan.Greg@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]
CC: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: NEW LITIGATION -- TSCA [Hazelton Creek Properties v EPA (3rd Circ. No. 18-3665)]

Attorney Client / Ex. 5

From: Sullivan, Greg
Sent: Monday, December 10, 2018 11:45 AM
To: Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: NEW LITIGATION -- TSCA [Hazelton Creek Properties v EPA (3rd Circ. No. 18-3665)]

Please reach out to region 3.

From: Bodine, Susan
Sent: Monday, December 10, 2018 10:12 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Branning, Hannah <Branning.Hannah@epa.gov>
Subject: FW: NEW LITIGATION -- TSCA [Hazelton Creek Properties v EPA (3rd Circ. No. 18-3665)]

Attorney Client / Ex. 5

Susan

From: Beck, Nancy
Sent: Monday, December 10, 2018 8:00 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: FW: NEW LITIGATION -- TSCA [Hazelton Creek Properties v EPA (3rd Circ. No. 18-3665)]

FYI

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
beck.nancy@epa.gov

From: Grant, Brian
Sent: Monday, December 10, 2018 7:18 AM
To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Mottley, Tanya <Mottley.Tanya@epa.gov>
Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>
Subject: NEW LITIGATION -- TSCA [Hazelton Creek Properties v EPA (3rd Circ. No. 18-3665)]

On December 5, Hazelton Creek Properties, located in Moosic, PA, filed a petition for review under TSCA section 19(a) in the US Court of Appeals for the Third Circuit challenging a Notice of Noncompliance (NON) issued by EPA Region 3. The NON asserts that placement of PCB materials on the site property at levels over 2 ppm, in compliance with a Pennsylvania State permit and Pennsylvania policy, constitutes a violation of the EPA TSCA PCB regulations, and cautions that further receipt by the company of such materials may result in EPA enforcement. The Notice states that "No corrective action is necessary by your company at this time".

We will contact DOJ to have an attorney assigned and work with Region 3 ORC on this. Please let us know if you have any questions.

Brian Grant
EPA Office of General Counsel
Pesticides and Toxic Substance Law Office
202-564-5503