Message

From: Dykes, Teresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C904D32B6A845D09D8F814C2F6509A0-TDYKES]
Sent: 12/4/2018 9:51:11 PM
To: Marshall, Sarah [marshall.sarah@epa.gov]
CC: Breneman, Sara [breneman.sara@epa.gov]
Subject: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Yep- Thanks.

Terri Dykes
Senior Attorney
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave. NW
Washington, DC 20460
202.564.9883

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From: Marshall, Sarah
Sent: Tuesday, December 04, 2018 4:33 PM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>
Cc: Breneman, Sara <breneman.sara@epa.gov>
Subject: FW: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Terry,
Attached is a document I put together earlier this year of the cases impacted in R5. Is this what you are looking for?

Sarah Marshall
Section Chief
Air Enforcement and Compliance Assurance Section (MI/WI)
U.S. Environmental Protection Agency, Region 5
(312) 886-6797

From: Breneman, Sara
Sent: Tuesday, December 04, 2018 2:43 PM
To: Marshall, Sarah <marshall.sarah@epa.gov>
Subject: FW: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Can you take the lead, please?

From: Dykes, Teresa
Sent: Tuesday, December 4, 2018 2:03 PM
To: Supplee, Gwendolyn <Supplee.Gwendolyn@epa.gov>; Barrette, Michael <Barrette.Michael@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Christenson, Kara <Christenson.Kara@epa.gov>; Cohen, Eric <cohen.eric@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>; Gonzalez, Christina <Gonzalez.Christina@epa.gov>; Gregory, John <Gregory.John@epa.gov>; Hamre, Martha <Hamre.Martha@epa.gov>; Herrera, Esteban

<Herrera.Esteban@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Keenan, John <keenan.john@epa.gov>; Klaus, Dan <Klaus.Dan@epa.gov>; Klepp, Robert <Klepp.Robert@epa.gov>; Larson, Darrin <Larson.Darrin@epa.gov>; Lastra, Julie <Lastra.Julie@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Maldonado, Zelma <Maldonado.Zelma@epa.gov>; Mastro, Donna <mastro.donna@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Mazer, Jodi <Mazer.Jodi@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Melendez-Colon, Suzette <melendez-colon.suzette@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Osbourne, Margaret <osbourne.margaret@epa.gov>; Patefield, Scott <Patefield.Scott@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Secrest, Cary <Secrest.Cary@epa.gov>; Skelley, Dana <Skelley.Dana@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>; Torreano, Michelle <Torreano.Michelle@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Viggiani, Steven <viggiani.steven@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Werner, Leslye <Werner.Leslye@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>; baltera, danielle <baltera.danielle@epa.gov>; Elsner, Kurt <Elsner.Kurt@epa.gov>; Campbell, Dave <campbell.dave@epa.gov>; Ayres, Sara <Ayres.Sara@epa.gov>; augustine, bruce <augustine.bruce@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Willard, Erin <Willard.ErinM@epa.gov>; Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>
Cc: Au, Doreen <Au.Doreen@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Isin, Amelie <Isin.Amelie@epa.gov>; Bustamante, Armando <Bustamante.Armando@epa.gov>; Schneider, Matthew <Schneider.Matthew@epa.gov>; Rutherford, Nancy <Rutherford.Nancy@epa.gov>
Subject: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Folks- OAR has a final draft of the proposal for MM2A (Major MACT to Area, aka reversal of OIAI policy. As stated in the January 2018 Wehrum memo that announced the policy shift, EPA will also be stating in the proposal that it was illegal for EPA to have used any temporal limits on NESHAP applicability- the CAA prohibits it.

I'd like to get a list of regional Administrative actions or Consent Decrees that relied on the OIAI policy for the injunctive relief- that is, settlements that require a source to comply with a major source MACT even though the source has or could get a PTE that is less than the major source threshold.

I currently know of 1 in R8, and 2 in R1. Any others? You can send to me before the call or let me know during the call. Thanks.

Terri Dykes
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From: Supplee, Gwendolyn
Sent: Tuesday, December 04, 2018 1:56 PM
To: Barrette, Michael <Barrette.Michael@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Christenson, Kara <Christenson.Kara@epa.gov>; Cohen, Eric <cohen.eric@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>;

Fisher, Mike <Fisher.Mike@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Gargas, Toni <Gargas.Toni@epa.gov>; Gonzalez, Christina <Gonzalez.Christina@epa.gov>; Gregory, John <Gregory.John@epa.gov>; Hamre, Martha <Hamre.Martha@epa.gov>; Herrera, Esteban <Herrera.Esteban@epa.gov>; Jones, Joel E. <Jones.Joel@epa.gov>; Keenan, John <keenan.john@epa.gov>; Klaus, Dan <Klaus.Dan@epa.gov>; Klepp, Robert <Klepp.Robert@epa.gov>; Larson, Darrin <Larson.Darrin@epa.gov>; Lastra, Julie <Lastra.Julie@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Maldonado, Zelma <Maldonado.Zelma@epa.gov>; Mastro, Donna <Mastro.Donna@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Mazer, Jodi <Mazer.Jodi@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Melendez-Colon, Suzette <melendez-colon.suzette@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>; Osbourne, Margaret <osbourne.margaret@epa.gov>; Patefield, Scott <Patefield.Scott@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>; Secrest, Cary <Secrest.Cary@epa.gov>; Skelley, Dana <Skelley.Dana@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Tates, Samuel <Tates.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Throwe, Scott <Throwe.Scott@epa.gov>; Torreano, Michelle <Torreano.Michelle@epa.gov>; Velez, Hector <Velez.Hector@epa.gov>; Viggiani, Steven <viggiani.steven@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Werner, Leslye <Werner.Leslye@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>; baltera, danielle <baltera.danielle@epa.gov>; Elsner, Kurt <Elsner.Kurt@epa.gov>; Campbell, Dave <campbell.dave@epa.gov>; Ayres, Sara <Ayres.Sara@epa.gov>; augustine, bruce <augustine.bruce@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Willard, Erin <Willard.ErinM@epa.gov>; Shepherdson, Melanie <Shepherdson.Melanie@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>
Cc: Au, Doreen <Au.Doreen@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; HertzWu, Sara <HertzWu.Sara@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Isin, Amelie <Isin.Amelie@epa.gov>; Bustamante, Armando <Bustamante.Armando@epa.gov>; Schneider, Matthew <Schneider.Matthew@epa.gov>; Rutherford, Nancy <Rutherford.Nancy@epa.gov>
Subject: Request for topics - December AEM Call

Hi Everyone –

Please e-mail me any topics that you would like to include on the December AEM call scheduled for December 13th.

Thanks, Gwen

Gwendolyn K. Supplee
Life Scientist
U.S. Environmental Protection Agency, Region 3
Air Protection Division
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