Message

**From**: Dykes, Teresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C904D32B6A845D09D8F814C2F6509A0-TDYKES]
**Sent**: 12/4/2018 8:19:35 PM
**To**: Keenan, John [keenan.john@epa.gov]
**CC**: McClintock, Katie [McClintock.Katie@epa.gov]
**Subject**: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Perfect- thanks John.

Terri Dykes
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**From:** Keenan, John
**Sent:** Tuesday, December 04, 2018 3:19 PM
**To:** Dykes, Teresa <Dykes.Teresa@epa.gov>
**Cc:** McClintock, Katie <McClintock.Katie@epa.gov>
**Subject:** RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Terri: I had a couple in Oregon and one in Washinton.

Oregon Door was a CD (attached). Violated state SM permit, and went over 10 tpy toluene.

Johnson Crushers Intl. Enforcement/Investigatory / Ex. 7(a); Enforcement Techniques/Ex. 7(c) Enforcement/Investigatory / Ex. 7(a); Enforcement Techniques/Ex. 7(c) was settled w/ a civil Stipulation (also attached) – no state permit (flying below the radar) and used over 10 tpy xylene.

Another closely related to OIAI was the settlement with JELD-WEN (plywood MACT) – they sold the facility in White Swan Washington to a new company. EPA has determined that the plywood mact still applied (see permit analysis page 8). I don't believe we have a Title V application as the company seems to have gone out of business.

John E. Keenan
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1200 Sixth Avenue - Suite 155
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206-553-1817

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**From:** Dykes, Teresa
**Sent:** Tuesday, December 04, 2018 12:03 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

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**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.

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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>
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**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**
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