Message

From: Dykes, Teresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1C904D32B6A845D09D8F814C2F6509A0-TDYKES]
Sent: 12/6/2018 9:32:35 PM
To: Rapp, Steve [Rapp.Steve@epa.gov]
CC: Sansevero, Christine [Sansevero.Christine@epa.gov]; Olivier, Tom [olivier.tom@epa.gov]
Subject: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Thanks Steve.

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: Rapp, Steve
Sent: Thursday, December 06, 2018 3:29 PM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>
Cc: Sansevero, Christine <Sansevero.Christine@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>
Subject: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Terri,

Hello. 2 sounds right for our active cases (Tradebe Meriden and Bridgeport). We also had a few settlements in recent years requiring respondents to apply for T5 permits, but based on the OInAI policy, states have issued permits to restrict. But, those settlements are done.

Let us know if anything else needed.

Steve

Steve Rapp
Chief, Air Technical Unit
U.S. E.P.A., Region 1
5 Post Office Square, Suite 100
Boston, MA 02109
617-918-1551

From: Dykes, Teresa
Sent: Tuesday, December 04, 2018 3:27 PM
To: Rapp, Steve <Rapp.Steve@epa.gov>
Cc: Sansevero, Christine <Sansevero.Christine@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>
Subject: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Right now- anything that is still active- no CDs or AOs that have terminated or been fulfilled.

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From: Rapp, Steve
Sent: Tuesday, December 04, 2018 3:24 PM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>
Cc: Sansevero, Christine <Sansevero.Christine@epa.gov>; Olivier, Tom <olivier.tom@epa.gov>
Subject: RE: Request for topics - December AEM Call- Settlements Impacted by Reversal of OIAI

Terri,

How far back in time do you want to look? We have taken several actions over the past 10 – 15 years that followed a OIAI approach and required facilities to comply with major source NESHAPs and to get T5 permits. So, some of these complied already but may now be talking with the states about taking limits to restrict PTE.

Steve

From: Dykes, Teresa
Sent: Tuesday, December 04, 2018 3:03 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.

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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
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U.S. Environmental Protection Agency, Region 3
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