Message

From: Fried, Gregory [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=960451767A6A44969C7647C875806E38-GFRIED]
Sent: 2/20/2019 7:02:49 PM
To: Dykes, Teresa [Dykes.Teresa@epa.gov]
Subject: RE: Once In Always In (OIAI)

Perfect

From: Dykes, Teresa
Sent: Wednesday, February 20, 2019 1:37 PM
To: Fried, Gregory <Fried.Gregory@epa.gov>
Subject: RE: Once In Always In (OIAI)

I will keep an eye out on the docket so we can find out what time- and then I will let you know.

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

CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message.

From: Fried, Gregory
Sent: Wednesday, February 20, 2019 1:35 PM
To: Dykes, Teresa <Dykes.Teresa@epa.gov>
Subject: RE: Once In Always In (OIAI)

Not a joke. The article came from BNA. You're approved to attend. Maybe I will go with you.

From: Dykes, Teresa
Sent: Wednesday, February 20, 2019 1:32 PM
To: Fried, Gregory <Fried.Gregory@epa.gov>
Subject: RE: Once In Always In (OIAI)

I may just have to visit the DC Circuit on that day- assuming you are not pulling an April Fool's Day joke on us!

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

CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message.

From: Fried, Gregory
Sent: Wednesday, February 20, 2019 1:13 PM

To: Argentieri, Sabrina <argentieri.sabrina@epa.gov>; Barnes, Cassandra <Barnes.Cassandra@epa.gov>; Burke, Shaun <Burke.Shaun@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Dykes, Teresa <Dykes.Teresa@epa.gov>; Foley, Patrick <Foley.Patrick@epa.gov>; Hoyt, Daniel <Hoyt.Daniel@epa.gov>; Klepp, Robert <Klepp.Robert@epa.gov>; Ortega, Kellie <Ortega.Kellie@epa.gov>; Parrish, Robert <Parrish.Robert@epa.gov>; Secrest, Cary <Secrest.Cary@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>
Cc: Breneman, Sara <breneman.sara@epa.gov>; Rapp, Steve <Rapp.Steve@epa.gov>
Subject: Once In Always In (OIAI)

Folks,

Just an FYI for those of you working on MACT cases impact by the OIAI policy change.

Greg

EPA Gets Day in Court to Defend Toxic Air Pollution Stance

Posted Feb. 20, 2019, 11:23 AM

By Amena H. Saiyid

- Oral arguments set for April 1 before D.C. Circuit
- Lawsuit revolves over relaxing toxic air pollution controls for industries that emit below a threshold

The EPA will get its day in court April 1 to defend relaxing toxic air pollution control requirements for power plants, refineries, and other industrial sources that bring their emissions below certain thresholds.

The U.S. Court of Appeals for the District of Columbia Circuit on Feb. 19 scheduled oral arguments in a lawsuit brought by environmental groups challenging the Environmental Protection Agency's new policy.

Clean Air Act emissions control requirements for toxic air pollution kick in for large industrial facilities that emit at least 10 tons per year of a single hazardous pollutant or 25 tons of two or more air toxics. Facilities emit below that limit don't have to meet the most stringent pollution control requirements.

The EPA had previously said that large industrial facilities must continue to operate their toxic air pollution controls even if they eventually reduced their emissions below the threshold for regulation, EPA air chief Bill Wehrum in a January 2018 memo reversed that 1995 policy.

The EPA plans to issue a proposed rule this year that builds on that memo. The policy is supported in court by national industry groups representing industrial boilers, electric utilities, oil companies chemical manufacturers, and automakers.

Challenging the EPA in court will be California and a coalition of environmental groups that sued the agency in March. They claimed the EPA's change in approach is illegal because it was made without public comment and would result in increased toxic air pollution.

The case being heard is Calif. Cmties. Against Toxics v. EPA, D.C. Cir., No. 18-1085, 2/19/19.