Message

**From:** Michuda, Colleen E. [Michuda.Colleen@epa.gov]
**Sent:** 11/19/2020 9:34:48 PM
**To:** Hansen, Susan [Hansen.Susan@epa.gov]
**Subject:** RE: RCRA NOI - WASCO - FYI

# Ex. 5 Attorney Client (AC)

Colleen E. Michuda
Senior Attorney
RCRA/FIFRA/TSCA Law Office
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
404-562-9685

**From:** Hansen, Susan <Hansen.Susan@epa.gov>
**Sent:** Thursday, November 19, 2020 4:26 PM
**To:** Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Anderson, Meredith <Anderson.Meredith@epa.gov>
**Subject:** FW: RCRA NOI - WASCO - FYI

# Ex. 5 Attorney Client (AC)

Colleen is the assigned attorney for the Region.

**From:** Gaines, Jeff <Gaines.Jeff@epa.gov>
**Sent:** Thursday, November 19, 2020 3:36 PM
**To:** Palmer, Leif <Palmer.Leif@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>
**Cc:** Kohler, Amanda <Kohler.Amanda@epa.gov>; Gerhard, Sasha <Gerhard.Sasha@epa.gov>; Housley, Denise <Housley.Denise@epa.gov>; DeRobertis, Cecilia <DeRobertis.Cecilia@epa.gov>
**Subject:** FW: RCRA NOI - WASCO - FYI

R4 folks,
this is FYI. You may have seen this already, but wanted to be sure.

Also, FYI – here's a link to the WASCO RCRA Online letter from last year: https://rcrapublic.epa.gov/files/14908.pdf

*Thanks!*
---
*Jeff Gaines*
Phone: 703-308-8655

*"The most exciting phrase to hear in science, the one that heralds the most discoveries, is not "Eureka!" (I found it!) but '**That's funny.**'"* — *Isaac Asimov*

**From:** Kohler, Amanda <Kohler.Amanda@epa.gov>
**Sent:** Thursday, November 19, 2020 3:17 PM
**To:** Gaines, Jeff <Gaines.Jeff@epa.gov>
**Subject:** FW: RCRA NOI - WASCO

Jeff – were you involved with WASCO previously? Sending this as just FYI for now.

**From:** DeRobertis, Cecilia <DeRobertis.Cecilia@epa.gov>
**Sent:** Wednesday, November 18, 2020 10:33 AM
**To:** Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>
**Cc:** Celeste, Laurel <celeste.laurel@epa.gov>
**Subject:** RCRA NOI - WASCO

Sonya, Mimi, and Amanda,

Here's the NOI I mentioned this morning. For context I've also attached:

1. WASCO's 2019 letter
2. A close-to-final draft of Barnes' letter. Unfortunately I can't find the final version in my files.

**Ex. 5 Attorney Client (AC)**

Cecilia De Robertis | RCRA Assistant General Counsel
(202) 564-5132 | Office of General Counsel

**From:** DeRobertis, Cecilia
**Sent:** Friday, November 13, 2020 12:39 PM
**To:** OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>
**Cc:** Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Celeste, Laurel <celeste.laurel@epa.gov>
**Subject:** NOTICE OF INTENT TO SUE (RCRA 7002)

On October 2, 2020, WASCO LLC filed a Notice of Intent (NOI) to sue the EPA in district court under RCRA 7002. Specifically, WASCO claims that EPA failed its non-discretionary duty to oversee North Carolina's EPA-authorized state hazardous waste program and ensure consistency with federal policy. This NOI arises from a dispute that WASCO has with North Carolina Department of Environmental Quality's (NCDEQ) about whether is an operator on a RCRA Hazardous Waste Management permit. In 2019, WASCO requested that EPA intervened in the state permit process. EPA declined because 1) state courts had repeatedly ruled in favor of NCDEQ's position that WASCO is a RCRA operator and is therefore subject to RCRA permitting requirements; 2) North Carolina is authorized by the EPA to implement its state hazardous waste program in lieu of the federal RCRA.

Lead Attorney: Laurel Celeste
OGC Office: SWERLO

Cecilia De Robertis | Assistant General Counsel
U.S. Environmental Protection Agency, Headquarters | Office of General Counsel
William Jefferson Clinton Federal Building | 1200 Pennsylvania Avenue, NW | Washington, DC 20460
phone: (202) 564-5132 | e-mail: DeRobertis.cecilia@epa.gov