

EPA-4390

Lea Anderson/DC/USEPA/US

03/11/2008 11:24 AM

To MaryAnn Poirier

cc John Hannon

bcc

Subject contempt issues

One additional thought did occur to me today in discussing with my client what we would do if we were to change the rule at this late date to set a secondary standard equal to the primary. In short, we would have a hard time doing anything other than putting out an obviously legally deficient notice given the time frames. You may have already thought of this, but it occurred to me that we could be in the position of having to fend off contempt proceedings for that sort of action. The obligation to promulgate a rule arguably means to promulgate one that is nominally defensible, i.e. that meaningfully responds to at least most significant comments and has a clear explanation of the basis for the decision.

M. Lea Anderson
EPA Office of General Counsel
Phone: (202) [REDACTED]

MaryAnn Poirier/DC/USEPA/US

**MaryAnn
Poirier/DC/USEPA/US**

03/10/2008 06:25 PM

To Lea Anderson/DC/USEPA/US@EPA

cc John Hannon/DC/USEPA/US@EPA

Subject Re: one pager regarding consent decrees [REDACTED]

Thank you; this is exactly what I wanted

Mary Ann Poirier
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U.S. Environmental Protection Agency
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Lea Anderson

----- Original Message -----

From: Lea Anderson
Sent: 03/10/2008 06:21 PM EDT
To: MaryAnn Poirier
Cc: John Hannon
Subject: one pager regarding consent decrees

Attached is the one pager that you requested on consent decrees. Let me know if you need something more or if this is what you were looking for.

[attachment "consent decrees march 10.doc" deleted by MaryAnn Poirier/DC/USEPA/US]

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