

Attachment 26

Stephen A. Spence

From: O'Rourke, Steve (ENRD) <Steve.O'Rourke@usdoj.gov>
Sent: Monday, March 7, 2022 11:05 AM
To: Fonseca, Rebecca; Hoyle, David; Phil Federico; Chase T. Brockstedt; Dick Harpootlian
Cc: Valenzuela, Johanna (USASC); Pratt.Marirose@epa.gov
Subject: RE: United States v. New-Indy Catawba LLC, Request for Extension of Public Comment Period

CAUTION:EXTERNAL

DOJ is in receipt of your second request for an extension of the 30-day public comment period required by 28 CFR 50.7 regarding the proposed consent decree with New Indy Catawba, LLC. Having already doubled the length of the required public comment period, DOJ declines to further extend the comment period. While your clients may have FOIA requests pending with the EPA, any rights to information under FOIA are separate and distinct from the right to comment on a proposed consent decree under 28 CFR 50.7. Further, without going into details, EPA continues to dispute your description of the facts surrounding the FOIA process in this matter.

Respectfully,
Steve

Steven O'Rourke
Environmental Enforcement Section
U.S. Department of Justice
Mail: P.O. Box 7611 Washington, D.C. 20044-7611
Overnight: ENRD Mail Room, 150 M Street, N.E. Washington D.C. 20002
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From: Fonseca, Rebecca <rfonseca@motleyrice.com>
Sent: Friday, March 4, 2022 3:43 PM
To: ENRD, PUBCOMMENT-EES (ENRD) <PENRD3@ENRD.USDOJ.GOV>; Valenzuela, Johanna (USASC) <JValenzuela@usa.doj.gov>; O'Rourke, Steve (ENRD) <Steve.O'Rourke@usdoj.gov>; Pratt.Marirose@epa.gov
Cc: Hoyle, David <dhoyle@motleyrice.com>; Phil Federico <pfederico@sfspace.com>; Chase T. Brockstedt <chase@bmbde.com>; Dick Harpootlian <rah@harpootlianlaw.com>
Subject: [EXTERNAL] United States v. New-Indy Catawba LLC, Request for Extension of Public Comment Period

Please see the attached letter of today's date on behalf of David Hoyle. A hard copy will be sent via Certified Mail, Return Receipt Requested.

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