



U.S. Department of Justice

Environment and Natural Resources Division

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July 10, 2015

By E-Mail

Hon. Charles A. Cordero
United States Court of Appeals for the First Circuit
Civil Appeals Management Program
Ochoa Building, Fifth Floor
500 De La Tanca Street, Suite 514
San Juan, PR 00901-1942

Re: *Homeca Recycling Center, Inc., et al. v. EPA*, No. 14-1447

Dear Judge Cordero:

I am writing in response to your July 8, 2015 letter. As you requested, I can confirm that the parties in the above-referenced case reached an understanding at the June 23, 2015 CAMP conference. As explained in our June 30, 2015 submission to you, the parties have agreed to a series of steps (such as finalizing the work plan) that will take place at the administrative level. Once these steps have been completed, the parties would seek dismissal of the case.

It is important to clarify that, in the United States' view, these agreed-upon steps technically do not constitute a settlement of this litigation, that is, a settlement of the merits of the Petitioners' challenge to the Clean Air Act compliance order. That distinction is significant because, as you may recall, we had discussed at the CAMP conference the requirement that Clean Air Act settlement agreements be published in the Federal Register for public comment. Upon further reflection, we have concluded that the parties' understanding would not constitute a settlement agreement under the Clean Air Act and therefore would not require such publication or a public comment period. Nonetheless, the parties fully anticipate dismissing this litigation within the 90-day period specified in your June 23, 2015 Order.

I would be happy to answer any further questions you might have and can be reached at (202) 514-6390 or Erica.zilioli@usdoj.gov.

Respectfully submitted,



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