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

**From:** Helwig.Amanda@epamail.epa.gov [mailto:Helwig.Amanda@epamail.epa.gov]

**Sent:** Monday, January 26, 2009 4:09 PM

**To:** Jennings, Henry

**Cc:** Koethe.Robert@epamail.epa.gov

**Subject:** Re: Adoption of 40 CFR Part 165

Hi Henry,

I hope you are doing well. I am writing in response to your question about the incorporation by reference language for the container/containment rule. My only recommendation would be to use the date "July 1, 2008" (the date as of which the Code of Federal Regulations was revised in 2008), instead of just "2008." By using the exact date, there is no ambiguity about which version of the regulations the state intends to incorporate. If you have any other questions, please feel free to contact me or Rob Koethe. Thanks so much.

Best,  
Mandy Helwig

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Amanda J. Helwig  
Office of Regional Counsel / Enforcement Office  
U.S. Environmental Protection Agency, New England  
One Congress Street  
Boston, MA 02114-2023  
Phone: (617) 918-1180  
Fax: (617) 918-0180  
helwig.amanda@epa.gov

**Robert Koethe/R1/USEPA/US**

01/22/2009 04:05 PM

To "Jennings, Henry" <Henry.Jennings@maine.gov>

cc Amanda Helwig/R1/USEPA/US@EPA

Subject Re: Adoption of 40 CFR Part 165 [Link](#)

Henry,

I have not forgotten you.

Incredibly I asked Mandy about this yesterday. She said she was still researching whether or not you should include a date (?). I know she is working on this but she has moved onto other responsibilities and may have momentarily set it aside. I am copying her on this email so that she is aware of your timeline.

2/3/2009

I'll give you a call next week.

- Rob

Robert Koethe, Ph.D.  
Office of Environmental Stewardship  
Toxics and Pesticides Unit  
EPA Region I - New England  
1 Congress Street  
Suite 1100 (SEP)  
Boston, MA 02114-2023

Telephone: (617) 918-1535; Fax: (617) 918-1505

"Jennings, Henry" <Henry.Jennings@maine.gov>

To Robert Koethe/R1/USEPA/US@EPA

cc

Subject Adoption of 40 CFR Part 165

01/22/2009 03:00 PM

Hi Rob:

We are currently in rulemaking to adopt the container/containment rule by reference. Based on the advice of Assistant AG, we placed one sentence in our Chapter 24 Rule (about distributor storage) stating, " The Federal Pesticide Management and Disposal Rule, 40 CFR, Part 165, (2008) is incorporated herein by reference."

The deadline for comments is February 6. I inquired with Nancy Fitz if she had any advice, but she didn't. I wonder if you can run this by the helpful lawyer who worked on the adequacy determinations before February 6? If not, we'll go with what we have.

Henry

2/3/2009