To: CN=Lenny Grossman/OU=R2/O=USEPA/C=US@EPA;CN=Nicole Kraft/OU=R2/O=USEPA/C=US@EPA[]; N=Nicole Kraft/OU=R2/O=USEPA/C=US@EPA[]
Cc: CN=Gary Nurkin/OU=R2/O=USEPA/C=US@EPA[]
From: CN=William Sawyer/OU=R2/O=USEPA/C=US
Sent: Mon 4/30/2012 7:28:00 PM
Subject: Fw: draft response to AES

Some further thoughts on draft response letter after talking to Gary:

We are OK with the response going from George or Lenny but you need to revise the last paragraph so that Boxerman is directed to direct any further inquiries to Gary.

Last para could read : Please be advised that Gary Nurkin in our Regional Counsel's office is handling this matter for EPA. Please direct any future correspondence or phone inquiries to him His mailing address and telephone number are...

Lenny- Please make sure to retain a copy of any enclosures being included in this letter even if they are voluminous.

Could you please send us a copy of the list of sites and additional locations referenced in 4th to last paragraph

----- Forwarded by William Sawyer/R2/USEPA/US on 04/30/2012 03:20 PM -----

From: William Sawyer/R2/USEPA/US
To: Lenny Grossman/R2/USEPA/US@EPA, Nicole Kraft/R2/USEPA/US@EPA
Cc: Gary Nurkin/R2/USEPA/US@EPA
Date: 04/30/2012 02:38 PM
Subject: draft response to AES

Here are some proposed edits to the end of the draft letter responding to Samual Boxerman's 3/30 incoming letter. I do not seem to have the most recent version online, so I am commenting on prior version - which seems to be very similar in wording.

I am not sure I have seen any specific comments from Gary on the proposed response. I guess we had discussed possibly making the response come from a EPA lawyer . Any views on this, Gary ?

There are a lot of complicated technical details that are beyond me. Sounds good, though ! As for the end, here are some comments:

Finally, you asked whether EPA has concerns about sites it referenced in previous correspondence with the Puerto Rico Environmental Quality Board, where it believes Agremax has, or may have been used, and requested that EPA identify those sites and provide copies of any testing results obtained at such locations. Please be advised that while EPA does, in fact, have concerns relating to the potential for leaching of heavy metals from the land deposition of Agremax in Puerto Rico, our investigation is currently focused on the leaching behavior of Agremax as produced (i.e., before deposition or use). Accordingly, EPA has not collected any samples of Agremax other than that collected at the facility on March 13, 2012. As requested, I am enclosing a list of the sites referenced in previous EPA correspondence <I'd delete-- is enclosed> , as well as information on the location of several additional sites inspected by EPA in March 2012.

We appreciate your offer to work collaboratively with EPA to evaluate the Agency's LEAF testing results, <Query- do we want to include this prior phrasing ? Will we be colloborating with AES ?> and trust that the information provided herein satisfactorily answers your questions. Further, as you may know, EPA

was approached during its inspection of the facility < It appears that in most recent draft of this letter you deleted reference to when EPA was approached- I think it would be good to include a date> by Mr. Jon Reimann, AES NA Central, L.L.C., regarding the proposed potential construction of a federally compliant landfill for future deposition of Agremax in Puerto Rico. <SEE COMMENT BELOW re end EPA subsequently spoke with Mr. Reimann, conveying our agreement with his proposal and our desire that it be memorialized through the issuance of an Order on Consent that would be issued under Section 7003 of the Resource Conservation and Recovery Act.>

Instead of the current last sentence , would it make sense to avoid mentioning a 7003 Order which seems premature and may invite an aggressive response from the company. Maybe you could include another sentence along the following lines: "EPA is interested in this proposal and would appreciate receiving a confirmation of these plans and more information and specific details on this proposed new facility "