Message

From: Jackson, Laurianne [Jackson.Laurianne@epa.gov]
Sent: 12/15/2015 7:35:47 PM
To: Madigan, Andrea [Madigan.Andrea@epa.gov]
Subject: FW: Nelson Tunnel/Commodore Waste Rock Pile Site (DJ # 90-11-3-10841)

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From: Elizabeth Temkin [mailto:temkin@twhlaw.com]
Sent: Tuesday, December 15, 2015 12:04 PM
To: 'Ellington, Jerry L (ENRD)' <Jerry.L.Ellington@usdoj.gov>
Cc: Jackson, Laurianne <Jackson.Laurianne@epa.gov>; Hoffman, Heidi K (ENRD) <Heidi.Hoffman@usdoj.gov>; Joe Middleton <middleton@twhlaw.com>
Subject: RE: Nelson Tunnel/Commodore Waste Rock Pile Site (DJ # 90-11-3-10841)

We are willing to extend the tolling agreement for one additional month. If I understand correctly, because Gilt Edge and Nelson Tunnel are on the same review track, this means that all this gets done before Feb. 15. And we really do want to wrap it up! In terms of an update from this end, on Gilt Edge, we need to connect with Mr. Congdon's lawyers. We are aiming at doing that yet this week. Very soon thereafter, we would be getting back to you with a final set of what I hope are minor tweaks. On Nelson Tunnel, we need to finish the discussion with Jerry and Laurianne on the definition of the "Site" for covenant purposes. Joe and Laurianne's recent discussion was helpful in focusing our thinking, and we are considering language and looking at precedent. We hope to have that assembled to share in the next few days as well.

Betsy

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From: Ellington, Jerry L (ENRD) [mailto:Jerry.L.Ellington@usdoj.gov]
Sent: Monday, December 14, 2015 9:20 AM
To: Elizabeth Temkin

Cc: Jackson, Laurianne; Hoffman, Heidi K (ENRD)
Subject: Nelson Tunnel/Commodore Waste Rock Pile Site (DJ # 90-11-3-10841)

Betsy: the tolling period expires in a month. Unless we extend the tolling period another 30 days, with the holidays coming up I should send up a briefing package for approval this week – either for the settlement or filing papers. Please let me know what your client wants to do. Jerry

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