To: Hamilton, Jessica[Jessica.Hamilton@portofportland.com]
Cc: Stern, Allyn[Stern.Allyn@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Grandinetti, Cami[Grandinetti.Cami@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]
From: McLerran, Dennis
Sent: Tue 1/19/2016 2:57:31 AM
Subject: Re: Portland Harbor Superfund Site--Request to Resolve Issues re Jan 4 Letter

Jessica:

If you could set up a call in number that would be great. I look forward to talking tomorrow.

Dennis McLerran

Regional Administrator

EPA Region 10

From: Hamilton, Jessica <Jessica.Hamilton@portofportland.com>
Sent: Monday, January 18, 2016 11:13 AM
To: McLerran, Dennis
Cc: Grandinetti, Cami; Tom Imeson; Robinhold, Curtis; Magorrian, Matthew; Pirzadeh, Michelle; Woolford, James; Stern, Allyn; Mackey, Cyndy; Cora, Lori
Subject: Re: Portland Harbor Superfund Site--Request to Resolve Issues re Jan 4 Letter

Confirmed for 9am. Tom and I will be making the call from separate locations so please let me know if you need me to supply a call-in number. Thanks. Jessica

Sent from my iPhone

On Jan 17, 2016, at 3:53 PM, McLerran, Dennis <mclerran.dennis@epa.gov> wrote:

> Jessica:
>
> Cami and I can be available to talk at 9 AM Tuesday. Please call 206 553-1234 and we will take the call from my office. We would like to work on a way to keep the schedule while making sure you have the opportunity to build your record. At this point our attorneys do not believe the AOC provides for a dispute of the final FS content but we are willing to hear why you believe otherwise.
>
> Dennis McLerran

Regional Administrator
EPA Region 10

Sent from my EPA iPhone

On Jan 16, 2016, at 10:38 AM, Hamilton, Jessica
<Jessica.Hamilton@portofportland.com> wrote:

Dennis and Cami:

The LWG is facing a dispute deadline of Tuesday, January 19, and we intend to file our dispute, unless we can work something out with EPA that protects our ability to recover costs and also allows us to maintain our right to dispute the final FS, which is clearly contemplated and agreed to by the agency under the FS Process Agreement, which ties that right to the AOC, as well as a plain reading of the AOC itself.

The LWG, as we expressed when we first received the letter, believes that there is an acceptable solution out there, for both parties, to achieve EPA's goal of completing the FS and staying on schedule, well short of the approach outlined in your January 4 letter.

We would like to explore again with you whether we can reach agreement without initiating dispute. **We propose we discuss via conference call on Tuesday morning. Tom and I can both be available at 7:30 am, 9 am, or noon for a call.** Please let me know if you would like to try to work this out with us.

In anticipation of being able to come to a conceptual agreement, I will also ask for authority from the LWG to accept a short extension of the deadline to dispute in the event that EPA would like more time to memorialize the terms. Just to be clear, we do not need an extension in order to file our dispute; rather any extension would solely be accepted to allow for the LWG and EPA to be able to finalize an agreement without LWG having to preemptively file a dispute to avoid waiving any rights.

We remain very hopeful and optimistic that we can work something out that allows EPA to stay on schedule and to complete the FS, but also accommodates the needs of the LWG to protect our legal rights.

We look forward to hearing from you about whether you would like to discuss on Tuesday, and if so, what time will work.

Thank you,

Jessica and Tom

Jessica Hamilton

General Manager, Harbor Environmental

Port of Portland

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