To: Flanagan, Sarah[Flanagan.Sarah@epa.gov]
Cc: Hyatt, Jr., William[william.hyatt@klgates.com]
From: Lamparello, Dawn Monsen
Sent: Mon 9/26/2016 5:02:19 PM
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Sarah,

Apologies for the delayed response. We think this would be fine, but anticipate current and former members will want to review and update the corporate entity, to the extent there have been any name changes. We can try to get that process completed in a week or two. Please let us know if that works for EPA.

Thanks,

Dawn

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]
Sent: Tuesday, September 20, 2016 10:46 AM
To: Lamparello, Dawn Monsen
Cc: Hyatt, Jr., William
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dawn – I know we had discussed whether we could amend the AOC without attaching updated Appendices A, A-1 and A-2, but on reflection, I think this will make for a confusing record and have generated updated Appendices to attach to the amendment. Please take a look. Would this be acceptable to the CPG?

-Sarah

Sarah P. Flanagan
Branch Chief, NJ Superfund Branch

Office of Regional Counsel

USEPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3136

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From: Lamparello, Dawn Monsen [mailto:Dawn.Lamparello@klgates.com]
Sent: Friday, September 16, 2016 1:45 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Cc: Hyatt, Jr., William <william.hyatt@klgates.com>
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Sarah,

We do not have any additional comments on the draft, and therefore, request that the agreement be moved through the approval process. We will also request authority from the former members to sign on their behalf.

Thanks,

Dawn

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]
Sent: Monday, September 12, 2016 2:33 PM
To: Lamparello, Dawn Monsen
Cc: Hyatt, Jr., William
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dawn – your changes are basically fine. Typically the next step would be for me to move this through the approval process and then send to you for signature, before execution by Walter. I will start that process unless you need to take a last look, given the passage of time.

-Sarah

Sarah P. Flanagan
Branch Chief, NJ Superfund Branch

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290 Broadway, 17th Floor
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From: Lamparello, Dawn Monsen [mailto:Dawn.Lamparello@klgates.com]
Sent: Wednesday, May 04, 2016 12:55 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Cc: Hyatt, Jr., William <william.hyatt@klgates.com>
Subject: FW: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Sarah,

Thank you for the draft amendment. Attached please find a clean and redline with our proposed comments. In addition to signing on behalf of the current CPG members, we would propose to request authority from the former members to sign on their behalf for this limited purpose.

Please let us know your thoughts on the revisions. We will then proceed to seek authority to sign.

Also, I recall we had discussed first proceeding with the RI/FS AOC, but pursuant to Jim O'Toole's email below, ECIA also seeks to be added to the RM 10.9 AOC once this amendment is finalized.

Thanks,
Dawn

From: Flanagan, Sarah [mailto:Flanagan.Sarah@epa.gov]
Sent: Tuesday, April 19, 2016 6:56 PM
To: Hyatt, Jr., William; Lamparello, Dawn Monsen
Subject: RE: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Bill and Dawn – Does the CPG still want to move forward with amending the AOC? I think the ball was in your court, but could be wrong.

I did prepare a draft, which I don't think I actually sent you but I've updated it and it is attached. While it remains subject to all appropriate management approvals, please take a look and let me know what you think. Unless you prefer, I will leave it to you to contact Mr. O'Toole.

-Sarah

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch
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290 Broadway, 17th Floor
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Tel: 212-637-3136

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From: O'Toole, James [mailto:james.otoole@bipc.com]
Sent: Tuesday, April 19, 2016 5:53 PM
To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>
Cc: Hyatt, Jr., William (william.hyatt@klgates.com) <william.hyatt@klgates.com>; Dawn Mosden Lamparello (dawn.Lamparello@klgates.com) <dawn.Lamparello@klgates.com>
Subject: Essex County Improvement Authority-Request to be an Additional Signatory to LPRSA AOCs

Dear Ms. Flanagan:

I am writing to you on behalf of the Essex County Improvement Authority ("ECIA") in connection with its court ordered obligation to indemnify and defend Celanese Ltd. ("Celanese") for alleged environmental liabilities in the Lower Passaic River related to a former Celanese facility located at 354 Doremus Avenue, Newark N.J. ("Doremus Site"). While the ECIA continues to deny such liability, the ECIA has stepped into Celanese's shoes as a potentially responsible party for the Doremus Site. In that capacity, the ECIA has funded Celanese's Doremus Site obligations in connection with work performed by the Lower Passaic River Study Area's Cooperating Parties Group ("LPRSA CPG") under both the LPRSA RI/FS AOC and the RM 10.9 AOC. The ECIA joined the LPRSA CPG in January 2015, and assumed direct responsibility for the Doremus Site's corresponding obligations.

As you have discussed with LPRSA CPG Common Counsel over the past year, the ECIA has requested to be a signatory on those AOCs previously entered into among LPRSA CPG members and the USEPA. I understand from Dawn that the agency concurred with the ECIA's request. I realize that there have been other recent matters involving the LPRSA that have taken precedence. Can you please advise how we can expedite the process and execute the AOCs.

Regards

Jim O'Toole

James O'Toole

Shareholder/Energy & Environmental

Litigation & Counseling

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Buchanan Ingersoll & Rooney PC
KNOW GREATER PARTNERSHIP

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