Message

From: Simon, Paul [Simon.Paul@epa.gov]
Sent: 2/10/2016 9:46:29 PM
To: Enck, Judith [Enck.Judith@epa.gov]
CC: Carpenter, Angela [Carpenter.Angela@epa.gov]; Matthews, Joan [Matthews.Joan@epa.gov]; Evangelista, Pat [Evangelista.Pat@epa.gov]; Mccabe, Catherine [McCabe.Catherine@epa.gov]
Subject: RE: Pfoa

Just spoke with Tom Ulasewicz, lawyer for Village. He expects the interim agreement to be posted on the Village web site in the latter part of next week (Feb. 17-19). It will be a draft on which public comment is sought. Sometime after it's posted, the Village is going to have a closed door meeting with Healthy Hoosick Water, DOH and DEC to try to reconcile any differences about the draft. Thereafter, the Village Board will schedule a special meeting to vote on authorizing the mayor to sign the agreement.

The agreement is not going to cover any work other than the water supply work we have been hearing about for months (bottled water, temporary treatment system, long term treatment system). It does not, for example, deal with doing an RI/FS to find the nature and extent of contamination. But it will contain a whereas clause to the effect that the parties understand the long-term system may eventually need to be replaced with a new water source, and the parties reserve all their rights about that. That's ok.

As we've heard before, Tom told me the company is not indemnifying the Village as part of this interim agreement. Tom said, "Nobody's releasing anyone for anything." EPA can't force the indemnification issue.

-----Original Message-----
From: Enck, Judith
Sent: Wednesday, February 10, 2016 11:37 AM
To: Simon, Paul <Simon.Paul@epa.gov>
Subject: Re: Pfoa

I recall but they are not being realistic about the towns insurance policy Ulacewicz should be pushing this too on behalf of the village. Thanks

Sent from my iPhone

> On Feb 10, 2016, at 10:34 AM, Simon, Paul <Simon.Paul@epa.gov> wrote:
>
> OK.
>
> With respect to indemnification, don't forget that in your meeting with Saint Gobain last month, you asked the company if they will indemnify the Village and Chris Gibson said no, Saint Gobain is not going to do that now. He didn't rule it for some point in the future. He mentioned that there are a number of insurance policies, including ones that the Village has had, and as a result, he doesn't think it would make sense for the company to indemnify the Village now.
>
>
> -----Original Message-----
> From: Enck, Judith
> Sent: Wednesday, February 10, 2016 9:34 AM
> To: Simon, Paul <Simon.Paul@epa.gov>
> Cc: Carpenter, Angela <Carpenter.Angela@epa.gov>; Evangelista, Pat <Evangelista.Pat@epa.gov>; Matthews, Joan <Matthews.Joan@epa.gov>
> Subject: Pfoa
>
> Hi paul. Greetings from Costa Rica. This mornings news clips say that the village is close to reaching an agreement with Saint gob. I know we have heard this for months now but the new twist is that it will also cover the clean up and not only water supply. Please call tom ulacewucz snd find out what is going on. We don't want conflict with superfund cleanup requirements. I know superfund is not pre empted by s village agreement but let's make sure this does not msjf our job harder. Also ask ulacewicz if he had gotten indemnification for the village. If he doesn't get it now he may never get it. Thanks
>
> Sent from my iPhone