To: Minor, Dustin[Minor.Dustin@epa.gov]
From: Cohen, Adam
Sent: Fri 1/12/2018 10:38:54 PM
Subject: RE: Anaconda: Draft AOC for Cost Recovery and Termination of Orders

I will probably not be able to consult with the Atlantic Richfield team before Tuesday, so I'd suggest sending it to DOJ in the meantime.

Adam S. Cohen ▪ Partner
P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ vcard
Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 ▪ Denver, CO 80202

From: Minor, Dustin [mailto:Minor.Dustin@epa.gov]
Sent: Friday, January 12, 2018 2:53 PM
To: Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: RE: Anaconda: Draft AOC for Cost Recovery and Termination of Orders

Adams,

Thank you. It looks like your compare worked as well. If you think you will be able to look at it and get back with me on Tuesday, I will wait to send it to DOJ. If you think you will need more time, I could go ahead and send it so they have it Tuesday morning after the MLK holiday.

Dusty

Dustin Minor

Assistant Regional Counsel

(415) 972-3888

From: Cohen, Adam [mailto:Adam.Cohen@dgslaw.com]
Sent: Friday, January 12, 2018 1:36 PM
To: Minor, Dustin <Minor.Dustin@epa.gov>
Cc: Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: RE: Anaconda: Draft AOC for Cost Recovery and Termination of Orders

Dusty – The attached redline compares the version of the document I sent to EPA on January 2 (original) against the clean version you sent to me today. I haven't looked at this closely to verify the changes or determined whether the changes are acceptable to ARC, but I'm sending it to you now as requested.

Adam S. Cohen ▪ Partner
P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ vcard
Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 ▪ Denver, CO 80202

From: Minor, Dustin [mailto:Minor.Dustin@epa.gov]
Sent: Friday, January 12, 2018 2:06 PM
To: Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: RE: Anaconda: Draft AOC for Cost Recovery and Termination of Orders

Adam,

Based on discussions with EPA Headquarters, I had to use the removal model to provide the covenants and reservations you requested. Thus, this is a combination of the removal and the 122(h) model. I am attaching a clean version as well as redline. The removal model also handles the Effective Date and Public Comment differently.

It would be helpful if we could talk briefly and I could walk you through the changes before you review it. I have authority to send this out from headquarters based on staff review, but have not forwarded it DOJ yet because I would like to confirm if ARC is OK with this approach. If we do not talk before Monday morning, then I will go ahead and send it to DOJ on Monday. I think

changing models will make it easier to get DOJ approval because many of the changes you requested are already in the removal model.

Thank you.

Dusty

Dustin Minor

Assistant Regional Counsel

(415) 972-3888

From: Cohen, Adam [mailto:Adam.Cohen@dgslaw.com]
Sent: Tuesday, January 02, 2018 1:50 PM
To: Collins, Jim <Collins.Jim@epa.gov>
Cc: Quast, Sylvia <Quast.Sylvia@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>; 'Block, Nathan' <Nathan.Block@bp.com>; Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: RE: Anaconda: Draft AOC for Cost Recovery and Termination of Orders

Jim – As we discussed earlier today, I'm sending you the attached redline of the draft AOC, showing changes requested by Atlantic Richfield. We have tried to keep changes to a minimum and to only address items that warrant site-specific deviation from EPA's model settlement agreement. I have included margin comments, so that EPA can better understand Atlantic Richfield's rationale. Once you and your team have had a chance to review this draft, please contact me if we need to schedule a call to talk through the suggested revisions. Like EPA, Atlantic Richfield hopes to finalize the AOC as quickly possible.

Adam S. Cohen ▪ Partner
P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ vcard
Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 ▪ Denver, CO 80202

From: Collins, Jim [mailto:Collins.Jim@epa.gov]
Sent: Friday, December 22, 2017 11:43 AM
To: Cohen, Adam <Adam.Cohen@dgslaw.com>; 'Block, Nathan' <Nathan.Block@bp.com>
Cc: Quast, Sylvia <Quast.Sylvia@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>
Subject: Anaconda: Draft AOC for Cost Recovery and Termination of Orders

Adam and Nathan, please find attached a draft of an AOC memorializing the settlement in principle on costs and termination of orders. Our management has not yet had full opportunity for review and approval of the language of this draft, but we want to get you a draft this week so you can confirm that the agreed essential points are adequately set forth. We look forward to your comments.

Jim Collins

Assistant Regional Counsel

USEPA, Region 9

75 Hawthorne Street, San Francisco, CA 94105

415-972-3894

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