Message

From: Ingersoll, Andrew (ENRD) [Andrew.Ingersoll@usdoj.gov]
Sent: 11/5/2018 10:36:13 PM
To: Caplan, Robert W. [Caplan.Robert@epa.gov]
Subject: RE: FM clause

Also need this info:

1. Unless otherwise specified in this Decree, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed as follows:

As to the United States by email: eescdcopy.enrd@usdoj.gov
Re: DJ # 90-5-2-1-10717

As to the United States by mail: EES Case Management Unit
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Re: DJ # 90-5-2-1-10717

As to EPA: _____

From: Ingersoll, Andrew (ENRD)
Sent: Monday, November 5, 2018 5:34 PM
To: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: FM clause

Bob,

We have this clause in our CD, needs a fax number from you

2. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree, whether or not caused by a force majeure event, Drummond shall provide notice orally or by electronic or facsimile transmission to ----, within 72 hours of when Drummond first knew that the event might cause a delay. Within seven days thereafter, Drummond shall provide in writing to EPA and JCBH an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Drummond's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Drummond, such event may cause or contribute to an endangerment to public health, welfare or the environment. Drummond shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Drummond from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. Drummond shall be deemed to know of any circumstance of which

Drummond, any entity controlled by Drummond, or Drummond's contractors knew or should have known.

Andrew W. Ingersoll
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Environment and Natural Resources Division
U.S. Department of Justice
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Express Mail Delivery:
ENRD Mailroom, Room 2121
601 D Street, NW
Washington, D.C. 20004