Message

**From**: molly.cagle@bakerbotts.com [molly.cagle@bakerbotts.com]
**Sent**: 4/5/2019 5:02:17 PM
**To**: Quinones, Edwin [quinones.edwin@epa.gov]
**CC**: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
**Subject**: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
**Attachments**: ATT00001.txt; Guy Henry.vcf

**From:** Quinones, Edwin <quinones.edwin@epa.gov>
**Sent:** Friday, April 5, 2019 9:51 AM
**To:** Cagle, Molly <molly.cagle@bakerbotts.com>
**Cc:** Hooks, Aileen <aileen.hooks@bakerbotts.com>; Kuryla, Matthew <matthew.kuryla@bakerbotts.com>; Janoe, Scott <Scott.Janoe@BakerBotts.com>; MGaudet@iterm.com
**Subject:** RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attached is the latest draft AOC that includes comments incorporated in Paragraphs 4, 10 and 23.b.

I called and left messages with Margi Ligarde and Guy Henry at TCEQ. I tried an online search for their respective email addresses but could not find them. Do either of you have their email addresses? I'd like to send them a copy of the proposed SOW as we discussed earlier.

Thanks,

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

**From:** Quinones, Edwin
**Sent:** Thursday, April 04, 2019 3:26 PM
**To:** 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
**Cc:** 'aileen.hooks@bakerbotts.com' <aileen.hooks@bakerbotts.com>; matthew.kuryla@bakerbotts.com; 'Scott.Janoe@BakerBotts.com' <Scott.Janoe@BakerBotts.com>; 'MGaudet@iterm.com' <MGaudet@iterm.com>
**Subject:** RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

Attached is our redline/strikeout of the proposed SOW. I added a new Item 3 concerning emptying the secondary containment, which OSC Adams explains your client is already doing.

With respect to the highlighted portion in Item 5, TCEQ's OSC counterpart in Unified Command raised concerns about it. Although TCEQ counsel has not seen it, their counsel called yesterday and expressed grave concerns with any proposal to discharge treated wastewater. EPA is deferring to TCEQ, which is why the highlighted portion has been deleted.

Edwin Quinones
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**From:** Quinones, Edwin
**Sent:** Thursday, April 04, 2019 1:45 PM
**To:** 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
**Cc:** aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
**Subject:** RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of $50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
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**From:** molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
**Sent:** Wednesday, April 03, 2019 2:13 PM
**To:** Quinones, Edwin <quinones.edwin@epa.gov>
**Cc:** aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
**Subject:** Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliinary comment on para 10. Can you strike the for example list? I dont believe all of thise have been found in the ship channel and he second sentence ties to the first. So, the discharge included hazardous substance. Period.

Sent from my iPhone

On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

> Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.
>
> We're still working on comments to the proposed SOW and will get back to you on that.
>
> Edwin Quinones
> Assistant Regional Counsel
> US EPA Region 6, 6RC-S
> 1445 Ross Ave.
> Dallas, TX 75202
> (214) 665-8035
>
> ---
>
> **From:** molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
> **Sent:** Wednesday, April 03, 2019 10:26 AM
> **To:** Quinones, Edwin <quinones.edwin@epa.gov>
> **Cc:** aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
> **Subject:** 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions
>
> Ed,
>
> Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
> What time works for a call?
>
> Best, Molly
>
> **Confidentiality Notice:**
>
> The information contained in this email and any attachments is intended only for the recipient[s] listed above and may be privileged and confidential. Any dissemination, copying, or use of or reliance upon such information by or to anyone other than the recipient[s] listed above is prohibited. If you have received this message in error, please notify the sender immediately at the email address above and destroy any and all copies of this message.
>
> <ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>