Message

From: Rivera, Nina [Rivera.Nina@epa.gov]
Sent: 9/30/2019 1:51:46 PM
To: Lazos, Pamela [Lazos.Pamela@epa.gov]
Subject: FW: Force Majeure Notice
Attachments: 2019-09-24 CRW Interceptor Rehabilitation Program - Formal Notification of Delay_FINAL.pdf

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From: Charlotte Katzenmoyer [mailto:Charlotte.Katzenmoyer@capitalregionwater.com]
Sent: Tuesday, September 24, 2019 12:40 PM
To: Nancy Flickinger <Nancy.Flickinger@usdoj.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Maria Bebenek (mbebenek@pa.gov) <mbebenek@pa.gov>; Landis, Victor <vlandis@pa.gov>; Rivera, Nina <Rivera.Nina@epa.gov>
Cc: David Stewart <david.stewart@capitalregionwater.com>; Claire Maulhardt <claire.maulhardt@capitalregionwater.com>; mkurowski@kandwengineers.com; Andes, Fredric <fredric.andes@btlaw.com>; Fields, Jenifer <fields.jenifer@epa.gov>
Subject: RE: Force Majeure Notice

Good afternoon. Pursuant to Paragraph 65 of the Partial Consent Decree, I am following up with the attached letter within the required 7 days from the notice we provided below to provide additional information to support our Force Majeure Notice. Please let me know if you require any supporting documentation as outlined in the attached letter or if you have any questions.

Sincerely,
Charlotte Katzenmoyer | Chief Executive Officer
888-510-0606 | 717-216-5308 (o)

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From: Charlotte Katzenmoyer
Sent: Wednesday, September 18, 2019 12:10 PM
To: nancy.flickinger@usdoj.gov; Maslowski, Steven <Maslowski.Steven@epa.gov>; Maria Bebenek (mbebenek@pa.gov) <mbebenek@pa.gov>; Landis, Victor <vlandis@pa.gov>
Cc: David Stewart <David.Stewart@capitalregionwater.com>; Claire Maulhardt <Claire.Maulhardt@capitalregionwater.com>; mkurowski@kandwengineers.com; Andes, Fredric <Fredric.Andes@btlaw.com>; Fields.jenifer@epa.gov
Subject: Force Majeure Notice

Dear Ms. Flickinger,
Pursuant to Paragraph 65 of the Partial Consent Decree, this email provides notice that CRW has determined that events arising from causes outside its control likely will delay its performance of the priority remedial work to the Front Street interceptor, currently scheduled to be completed by December 31, 2020 under Paragraph 31(a)(iii) of the Partial Consent Decree, as amended by the Joint Stipulation Regarding Modification. CRW believes that this delay is caused by Force Majeure events as defined in Paragraph 63 of the Partial Consent Decree. As required by Paragraph 65 of the Partial Consent Decree, within 7 days of this email, CRW will follow up in writing to provide:

- 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 minimize the delay;
- CRW's rationale for attributing such delay to a Force Majeure event;
- A statement that such events will not cause or contribute to an endangerment to public health, welfare, or the environment; and
- All available documentation supporting CRW's claim that the delay is attributable to a Force Majeure event.

In addition, as you previously have been made aware, CRW has suffered delays in completion of priority remedial work on the Paxton Creek Interceptor. We would like to discuss a non-material modification of the dates for completion of both the Front Street Interceptor project and the Paxton Creek project under Paragraph 99 of the Partial Consent Decree. Please feel free to contact me if you have any questions.

As a side note for Jenifer and Steven, we do not have the current contact information for the USEPA Senior Assistant Regional Counsel, Region 3, that is to be listed on any notices to your office. Could you please forward this email to him/her? Thank you very much.

Sincerely,
Charlotte Katzenmoyer | Chief Executive Officer
888-510-0606 | 717-216-5308 (o)

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