Message

From: Welles, Laura [Welles.Laura@epa.gov]
Sent: 1/18/2017 6:04:32 PM
To: Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ex. 5 AC/AWP/DP

Just as an FYI if we get to signatures today – Greg is here in office until 3pm. Diana is in office all day. Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Fogarty, Johnpc
Sent: Wednesday, January 18, 2017 12:50 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ex. 5 AC/AWP/DP

From: Welles, Laura
Sent: Wednesday, January 18, 2017 12:48 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ex. 5 AC/AWP/DP

From: Fogarty, Johnpc
Sent: Wednesday, January 18, 2017 12:11 PM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ex. 5 AC/AWP/DP

From: Welles, Laura
Sent: Wednesday, January 18, 2017 12:02 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

I've looked through the CA, audit, and SEP and my only comments (these are minor) are:

CAFO

Ex. 5 AC/AWP/DP

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SEP

- In paragraph 11 put an "of" between best and Whole Foods Market's knowledge.

Ex. 5 AC/AWP/DP

I plan to look at the other cover sheets they sent and follow up with Diana re: draft EAB memo.

From: Fogarty, Johnpc
Sent: Wednesday, January 18, 2017 8:55 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ok, totally works. thx

From: Welles, Laura
Sent: Wednesday, January 18, 2017 8:50 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ex. 5 AC/AWP/DP

From: Fogarty, Johnpc
Sent: Wednesday, January 18, 2017 8:29 AM
To: Welles, Laura <Welles.Laura@epa.gov>
Subject: FW: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Ex. 5 AC/AWP/DP Let me know what you think about Para 7.

From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Tuesday, January 17, 2017 11:50 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>

Cc: Aminah Famili <AFamili@kingwilliamslaw.com>; Anna Brown <ABrown@kingwilliamslaw.com>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order [Plus Final Docs for Approval]

Dear John and Laura,

Thank you very much for your time on the phone today and all your efforts to help get this agreement over the finish line.

We have prepared proposed final versions of the CAFO and all the appendices. Attached to this email are the ones that contain revisions (the rest we are leaving unchanged from the versions you have approved). They include the CAFO, Appendix G (SEP), and Appendix F (Third Party Audits). For the CAFO and Appendix F, we have attached a document comparison showing the revisions. We were not able to create a document comparison for Appendix G due to technical issues, but the only revisions since the last version I sent to you on January 12, 2017, are (1) inclusion of the word "multiple" in the last sentence of paragraph 3, as John F. requested, and (2) inclusion of the correct Docket Number in two places.

With respect to Appendix F:

Ex. 4 CBI

We also have attached copies of the cover sheets that will be included with the CBI appendices. The first one will go with the CBI appendices in the original/non-redacted copy and the second one will go with the CBI appendices in the original/redacted copy.

As soon as we have your final approval on the attached documents, we will upload all the final documents to Dropbox (the full original/non-redacted set and the full original/redacted copy), and send you a link. At that point, we will request signatures on our end.

If you need to reach me urgently tomorrow, and I do not answer my direct line, please feel free to call my cell phone (916.616.4378).

Many thanks,
Jennifer

Jennifer Hartman King, Managing Partner
KING WILLIAMS LLP
ATTORNEYS AT LAW

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Sacramento, CA 95814
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Click Here for King Williams LLP News and Alerts

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From: Fogarty, Johnpc [mailto:Fogarty.Johnpc@epa.gov]
Sent: Tuesday, January 17, 2017 3:30 PM
To: Welles, Laura <Welles.Laura@epa.gov>; Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Subject: RE: EPA/Whole Foods Market -- draft audit and proposed final order

One quick additional note on the second option for the audit. Ex. 4 CBI

Ex. 4 CBI

From: Welles, Laura
Sent: Tuesday, January 17, 2017 6:08 PM
To: Jennifer Hartman King <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: EPA/Whole Foods Market -- draft audit and proposed final order

Hi Jennifer,

As we left it during our call today, we were going to get back to you regarding proposed audit language.

Attached is the draft audit that has the following changes (I used EPA's 1/9/17 version, but accepted the other suggested edits—everything except what is discussed below):

- In paragraph 6, removed "and EPA" and put the sections that are highlighted in yellow. Per our discussion, this proposed language would be either/or, but not both. Sorry about the formatting difficulties in the draft document.

In sum:

Ex. 4 CBI

Ex. 4 CBI

Also attached is the draft proposed final order, along with certificate of service – this follows the boiler plate language found on the EAB's website (see pages 3 and 4 of the following document) – https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/8f612ee7fc725edd852570760071cb8e/381acd4d3ab4ca358525803c00499ab0/$FILE/CAFO%20Guidance%20Revised%20January%202014.pdf.

With regard to state notice, the notice is sent to the state's RCRA point of contact and the notice states something like the following boiler plate langauge:

This is to notify you pursuant to [relevant section of RCRA] of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § ____, that the U.S. Environmental Protection Agency plans to commence and conclude an enforcement action under [relevant section of RCRA], against certain ___ companies, including ____. This action is for violations of RCRA _____.

If you have any questions concerning this matter, please contact _____of my staff at _____.

Please let us know if you have any questions regarding the attached documents.

Thanks,
Laura

Laura Welles
Attorney Advisor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
(202) 564-2754

_____ This email and any transmission with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please advise the sender via reply email and delete the email you received.