Message

From: Welles, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D12D5767A8634F48935D8AA59F93D4F6-WELLES, LAU]
Sent: 11/14/2016 2:24:36 PM
To: Crossland, Andy [Crossland.Andy@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]
Subject: FW: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Draft CAFO with EPA's revisions
Attachments: Draft EPA CAFO with WFM revisions (00013553xD64DF) (002)_EPA edits 11-10-2016.docx

FYI

Diana – thank you for the recent memo re: Suzuki (I couldn't find this online so thank you for the hard copy). I read it last Thursday after we met and made changes to the draft WF CAFO so the release is consistent with EAB's recent memo (see paragraph 49 of the CAFO). The attached draft is similar to the one we discussed on Wednesday – I added a bit more to the section re: compliance provisions.

One other thing – have the REMs been looped in re: WF and working towards national settlement?

Thanks,
Laura

Laura Welles
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From: Welles, Laura
Sent: Thursday, November 10, 2016 7:46 PM
To: 'Jennifer Hartman King' <JHartmanKing@kingwilliamslaw.com>; John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Draft CAFO with EPA's revisions

Hi John and Jenn,

It was good to touch base with you earlier today regarding the draft CAFO. Attached is the CAFO with EPA's revisions. As you'll find, the revisions reflect our discussion today re: universal waste, etc. I've also attached the EAB memo that John and I referenced today during the call.

As I mentioned to you on the phone, language regarding waivers, jurisdiction, statutory/regulatory background, alleged facts (see paragraphs 23-25), and effect of settlement/reservation of rights was put back into the document to meet the requirements of 40 CFR Part 22, specifically 22.13(b), 22.18(b) & (c), portions of 22.14(a), and 22.31(a). There were also changes made to some of your proposed language in the compliance provisions section. As we discussed today, our hope is to strike a balance between describing your program in the CAFO (holding it out as a model for other grocery stores) and respecting the details/specifics of the trainings, SOPs, tote system, etc. by placing in Appendices marked as CBI.

With regard to the appendices, it would be great if you could send us Appendix A in the next week or so. We want to have a better sense of the number of stores. If you recall, we'd like the list of stores to be organized by each corporate entity and region (e.g., North Atlantic), and then by state (or portion of the state).

Please let me or John know if you have any questions regarding the attached draft CAFO and EPA's revisions.

We look forward to seeing you in person in the coming weeks.

Laura

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From: Jennifer Hartman King [mailto:JHartmanKing@kingwilliamslaw.com]
Sent: Wednesday, November 02, 2016 2:14 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>
Cc: John Hempfling (CE CEN) <John.Hempfling@wholefoods.com>; Aminah Famili <AFamili@kingwilliamslaw.com>
Subject: [CONFIDENTIAL SETTLEMENT COMMUNICATION] Draft CAFO

Dear John and Laura,

Thank you for taking the time to talk with us yesterday. As promised, attached is our proposed draft of the CAFO. We look forward to coordinating further with you on this.

My best,
Jennifer

Jennifer Hartman King, Managing Partner

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