Appointment

From: Charney, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4B94BFC86D4E4CCDB9340EBBD09F2B11-CHARNEY, LAUREN]
Sent: 9/11/2015 8:10:36 PM
To: Kevin Murphy [KMurphy@WladisLawFirm.com]; David W. Nunn [dwnunn@eastmansmith.com]; Doyle, James [doyle.james@epa.gov]

Subject: LLC = Revised AOC and SOW== [ES-LEGAL.FID1587432]
Location: call

Start: 9/14/2015 6:30:00 PM
End: 9/14/2015 7:30:00 PM
Show Time As: Tentative

Required Attendees: Kevin Murphy; David W. Nunn; Doyle, James

1. Dial the toll-free Conference Number 844-637-3111
2. Enter your 5-digit Conference Extension - 83181

If you are a participant press (2) - 123456

From: Kevin Murphy [mailto:KMurphy@WladisLawFirm.com]
Sent: Friday, September 11, 2015 4:08 PM
To: Charney, Lauren; David W. Nunn
Subject: RE: LLC = Revised AOC and SOW== [ES-LEGAL.FID1587432]

Lauren and David:

I can make 2:30 on both days.

Kevin C. Murphy
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From: Charney, Lauren [mailto:Charney.Lauren@epa.gov]
Sent: Friday, September 11, 2015 4:07 PM
To: Kevin Murphy; David W. Nunn
Subject: RE: LLC = Revised AOC and SOW== [ES-LEGAL.FID1587432]

Thanks, Kevin. I'm pretty available Monday and Tuesday as well. Lets pick a time Monday afternoon in case David won't see this message before Monday. How is 2:30? I would also like to set aside a time to talk on Tuesday as well, in case there are some things that we discuss on Monday that can be turned around quickly and be resolved by Tuesday. Does 2:30 work for you on both days? I'll send around a call in number.

From: Kevin Murphy [mailto:KMurphy@WladisLawFirm.com]
Sent: Friday, September 11, 2015 3:45 PM
To: Charney, Lauren; David W. Nunn
Subject: RE: LLC = Revised AOC and SOW== [ES-LEGAL.FID1587432]

Lauren:

I believe David Nunn is traveling and unavailable today to respond to your inquiry. I am generally available M-W of next week. My understanding is that David has some availability on Monday and Tuesday. Thus, we should be able to schedule a date and time without too much difficulty.

Do you have time constraints or preferred times on either of Monday or Tuesday?

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From: Charney, Lauren [mailto:Charney.Lauren@epa.gov]
Sent: Friday, September 11, 2015 2:36 PM
To: David W. Nunn
Cc: Kevin Murphy
Subject: RE: LLC = Revised AOC and SOW== [ES-LEGAL.FID1587432]

David and Kevin,
Please let me know what times you are available M-W next week to discuss the remaining AOC issues. Thanks.

Lauren

From: David W. Nunn [mailto:dwnunn@eastmansmith.com]
Sent: Tuesday, September 08, 2015 3:19 PM
To: Charney, Lauren
Cc: 'Kevin C. Murphy (KMurphy@WladisLawFirm.com)'
Subject: LLC = Revised AOC and SOW== [ES-LEGAL.FID1587432]

Lauren,

Legal and technical representatives of the four private and three public entities in negotiation with EPA to complete the Remedial Design for Lower Ley Creek have worked hard to reach agreement on a unified response to EPA's most recent draft AOC and SOW. Attached is a revised AOC and SOW which have been prepared collectively by the seven parties and represent the terms of a voluntary agreement to complete the Remedial Design which, if acceptable to EPA, the legal and technical representatives of all seven parties will recommend to their respective clients, management, or governing authorities for final approval.

The attached AOC and SOW were prepared by accepting all of the revisions contained in EPA's most recent versions of these documents and then using redline/strikeout to insert the revisions of the seven parties. You will see that many concessions have been made on issues previously unresolved with EPA (e.g., stipulated penalties, payment of future costs, and financial assurance). The seven parties have limited their revisions to the most important issues of concern to them.

The revised SOW being provided to you is also being transmitted by Arcadis to Pam Tames. This SOW has been revised with the understanding that there needs to be additional technical discussion with EPA on certain issues which recently arose as a result of DEC's comments on the SOW (e.g., approach for addressing 1,200 foot reach of the creek immediately upstream of Interstate 81). Arcadis will be available to continue those discussions, as needed.

Please let us know if you have any questions or require anything further. We are hopeful that EPA will find the AOC and SOW acceptable so that the parties can finalize their voluntary agreement to complete the Remedial Design for the Lower Ley Creek Site.

David

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