Message

From: Hanson, Robyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C4CD36EF688F47ABA2373A33B5D9B8FF-HANSON, ROB]
Sent: 2/5/2021 5:00:34 PM
To: Cathy Laughner [cathyl@bkbh.com]; Erin Much [Erin@bkbh.com]; Thomas Jodoin [TJODOIN@helenamt.gov]
Subject: City of Helena: City's Position on Continuing Settlement Discussions & Timing Expectations

Cathy,

During our 1/27/21 settlement conference discussing EPA's proposed Administrative Order for Compliance on Consent (AOC), we stated our expectation that the City of Helena would send us specific comments and proposed revisions to the AOC in redline form. Given that we proposed this draft AOC back on 11/25/2020, Emilio asked you to provide a commitment on when the City would provide such a response.

We understood you to say that you could not make any commitments because you were just recently brought on as counsel for the City and needed to talk offline with the City first. This was understandable. Similarly, I asked you to consider with the City whether EPA could continue to rely on the City's past messaging that it was interested in pursuing a cooperative administrative resolution prior to the potential issuance of a unilateral order or potential commencement of a Part 22 proceeding.

Now that you have had some time to consider these questions, please advise me whether the City intends to continue pursuing cooperative settlement discussions with EPA. This would mean working towards the goal of finalizing an AOC for signature and negotiating a CA/FO proposal (for an administrative penalty).

If the City does intend to continue pursing cooperative, pre-filing settlement discussions with EPA, please also provide a date by when we can expect to receive a specific redline response to our AOC proposal.

Regards,
Robyn

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